

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROGER W. REVILL,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

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§ No. 12, 2000

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§ Court Below—Superior Court

§ of the State of Delaware,

§ in and for New Castle County

§ Cr.A. No. IN97-09-1819

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Submitted: April 27, 2000

Decided: May 30, 2000

Before **HOLLAND, HARTNETT**, and **BERGER**, Justices.

ORDER

This 30th day of May 2000, upon careful consideration of the parties' respective briefs and the record in this case, the Court has determined that this matter should be affirmed on the basis of the Superior Court's well-reasoned decision dated December 17, 1999. There was no error or abuse in the Superior Court's denial of the appellant's motion for postconviction relief as premature given that the appellant's direct appeal from his underlying conviction is pending before this Court. *See Revill v. State*, Del. Supr., No. 619, 1999.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

s/Maurice A. Hartnett, III

Justice