

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HUGH P. McCAFFERTY,	§	
	§	
Defendant Below-	§	No. 286, 2004
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for Sussex County
STATE OF DELAWARE,	§	Cr. A. No. IS00-09-0179
	§	
Plaintiff Below-	§	
Appellee.	§	

Submitted: September 13, 2004
Decided: January 10, 2005

Before **HOLLAND, BERGER** and **RIDGELY**, Justices

ORDER

This 10th day of January 2005, the Court has considered the appellee's motion to affirm pursuant to Supreme Court Rule 25(a) and finds it manifest on the face of the appellant's opening brief that the appeal is without merit for the reasons stated by the Superior Court in its decision dated May 21, 2004. There was no abuse of discretion on the part of the Superior Court in denying the appellee's motion to modify that portion of the Superior Court's sentencing order governing contact with the appellee's daughter.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice