

2. In the absence of a written agreement of the parties and a written stipulation that disposes of this appeal in its entirety, the appeal shall be argued on March 2, 2004.
3. Counsel for the defendant shall provide the Court with record proof that defendant's double jeopardy argument was properly preserved for appellate review. Although a written motion to dismiss Count 1 was filed in Superior Court on November 20, 2001, defendant shall provide an order or hearing transcript demonstrating that this motion was prosecuted and denied.

Entered as an Order of this Court, this **26th** day of **February, 2004**.

By Order,

S/S

Clerk