

¹¹ *Del. C. § 3901(d)* (2012) (“No sentence of confinement of any criminal defendant...shall be made to run concurrently with any other sentence of confinement imposed on such criminal defnedant.”).

2. Section 3901(d) recently has been amended, with an effective date of July 9, 2014. As amended, Section 3901(d) provides in pertinent part: “The court shall direct whether the sentence of confinement of any criminal defendant by any court of this State shall be made to run concurrently or consecutively with any other sentence of confinement imposed on such criminal defendant.”

3. Defendant requests that the Court modify his sentence so that the Level 5 sentences of confinement be served concurrently.

4. Amended statutes will not be applied retroactively, unless the statute clearly contains express language indicating that the legislature intended retroactive application.²

5. The Court finds that Section 3901(d), as amended, was not intended by the Delaware General Assembly to have retroactive effect.

THEREFORE, Defendant’s Motion to Modify Sentence is hereby **DENIED**.

IT IS SO ORDERED.

/s/ Mary M. Johnston
The Honorable Mary M. Johnston

²*State v. Ismaeel*, 840 A.2d 644, 654 (Del. Super. 2004).

