

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WARREN J. WYANT,	§	
	§	No. 412, 2014
Defendant-Below,	§	
Appellant,	§	Court Below - Superior Court
	§	of the State of Delaware in
v.	§	and for New Castle County
	§	
STATE OF DELAWARE,	§	83000839DI
	§	
Plaintiff-Below,	§	
Appellee.	§	

Submitted: April 29, 2015
Decided: April 30, 2015

Before **HOLLAND, VALIHURA, and VAUGHN**, Justices.

ORDER

This 30th day of April 2015, it appears to the Court that:

(1) The Defendant-below/Appellant, Warren J. Wyant, sought a modified sentence order in Superior Court pursuant to 11 *Del. C.* § 4204A(d) and Superior Court Criminal Rule 35A. After a hearing at which the Appellant was present and post-hearing conferences with counsel for the Appellant and the State, the Superior Court issued a modified sentence order dated July 22, 2014 that contained an effective date of November 8, 1983.

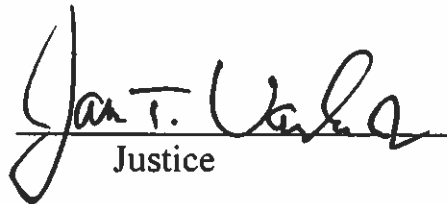
(2) The Appellant was taken into custody for the offenses that are the subject of the modified sentence order on October 19, 1982 and held in a juvenile detention

facility. He was 16 years of age. He was held in the juvenile facility until November 8, 1983, when he turned 18 years of age. On that date he was transferred from the juvenile facility to an adult prison where he has remained ever since.

(3) The Appellant contends that he is entitled to Level V credit time from October 19, 1982 and that the modified sentence order should be effective that date. The State agrees that the effective date of the modified sentence order should be October 19, 1982, not November 8, 1983. The State further agrees that this error in the sentence order calls for a remand to the Superior Court so that a new sentence hearing can be held.

NOW, THEREFORE, IT IS ORDERED that the Superior Court's modified sentence order of July 22, 2014 is VACATED and this matter is REMANDED to the Superior Court for a new sentence hearing. Jurisdiction is not retained.

BY THE COURT:


Justice