IN THE SUPREME COURT OF THE STATE OF DELAWARE

ASHLEY UNDERWOOD,[1]	§	
	§	
Petitioner,	§	No. 546, 2013
	§	
v.	§	
	§	
STATE OF DELAWARE,	§	Certification of Question of
	§	Law from the Family Court
Respondent,	§	of the State of Delaware
	§	No. 0506009856,
and	§	No. JK97-1047
	§	No. 1210005280
KIM CARTER,	§	
	§	
Petitioner,	§	
	§	
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Respondent	§	
	§	
and	§	
	§	
FIONA MILLER, on behalf of	§	
JACKIE MILLER,	§	
	§	
Petitioner,	§	
	§	
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Respondent.	§	

[1] The Court has assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

Submitted: October 10, 2013
Decided: October 16, 2013

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

O R D E R

This 16th day of October 2013, it appears to the Court that:

(1) The Family Court of the State of Delaware has certified a question to this Court in accordance with the Delaware Constitution, art. IV, § 11(8) and Delaware Supreme Court Rule 41.

(2) The basis for the certification arises from a split in decisions among Family Court judges regarding whether a petitioner's adult conviction for a Title 21 traffic offense mandates the denial of a petitioner's motion for expungement of a juvenile record.

(3) The Family Court has certified the following question to this Court for disposition in accordance with Rule 41:

> Whether the conviction of a Title 21 traffic offense constitutes a "subsequent adjudication of delinquency or adult conviction" under the juvenile expungement statutes [DEL. CODE ANN. tit. 10, §§ 1017-18], thereby prohibiting the expungement of an otherwise eligible juvenile record?

(4) The Family Court states that the material facts in these cases are not in dispute and that the question presented requires an immediate determination by the

Supreme Court because the decisions of the Family Court are conflicting upon the question of law and the question of law relates to the construction of a statute that has not been, but should be, settled by this Court.

(5) After careful consideration, we have determined that certification is not necessary and should be REFUSED. The question of law sought to be certified is currently before this Court for consideration in an appeal, *Fuller v. State*, No. 460, 2013, that is presently being briefed. The Court concludes that it is preferable to consider the question presented as part of that ongoing appeal rather than accepting the Family Court's certification.

NOW, THEREFORE, IT IS ORDERED that the certification of question of law is hereby REFUSED.

BY THE COURT:

/s/ Randy J. Holland
Justice