

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JASON J. COLLINS,	§
	§ No. 209, 2015
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID. No. 0904002027
Plaintiff Below-	§
Appellee.	§

Submitted: November 12, 2015

Decided: January 6, 2016

Before **STRINE**, Chief Justice; **HOLLAND**, and **SEITZ**, Justices.

ORDER

This 6th day of January 2016, upon consideration of the notice to show cause and the response and reply thereto, it appears to the Court that:

(1) The appellant, Jason Collins, filed this appeal from the Superior Court's order denying his motion for correction of sentence. Collins argued below and on appeal that he is entitled to more credit time against the Level V portion of his sixth violation of probation sentence. While the appeal was pending, Collins completed the Level V portion of his sentence and was released from custody. The Clerk of the Court issued a notice to Collins to show cause why the appeal should be dismissed because the issue on appeal is now moot.

(2) Collins filed a response arguing that the issue of his entitlement to Level V credit time is not moot because he is still serving Level I probation, and he might violate his probation again and potentially be subject to more Level V incarceration. The State asserts that the issue of Level V credit time is moot.

(3) After careful consideration, the Court concludes that Collins' release from Level V custody has rendered his request for Level V credit time moot.¹ Any decision on Collins' request for credit time would amount to an impermissible advisory opinion and would be a waste of scarce judicial resources.² If Collins should violate his probation for a seventh time, he can raise the issue of his entitlement to Level V credit with the Superior Court before any future VOP sentencing.

NOW, THEREFORE, IT IS ORDERED that the appeal is hereby DISMISSED as moot.

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice

¹ *Ewell v. State*, 2011 WL 1716455 (Del. May 5, 2011).

² *Sannini v. Casscells*, 401 A.2d 927, 930 (Del. 1979).