

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANIEL M. WOODS,	§	
	§	No. 660, 2013
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID Nos. 90000228DI
	§	90000576DI
Plaintiff Below,	§	
Appellee.	§	

Submitted: December 18, 2013
Decided: February 18, 2014

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 18th day of February 2014, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm, it appears to the Court that:

(1) The appellant, Daniel M. Woods, appeals from the Superior Court’s November 22, 2013 denial of his motion for correction of illegal sentence. The appellee, State of Delaware, has moved to affirm the Superior Court’s judgment on the ground that it is manifest on the face of the opening brief that the appeal is without merit.¹ We agree and affirm.

¹ DEL. SUPR. CT. R. 25(a).

(2) In 1981 and 1982, Woods was convicted of several offenses and was sentenced.² Woods was incarcerated from June 1981 until April 1989, at which time he was released on parole.³

(3) While on parole, Woods committed new offenses, which resulted in his March 1990 guilty plea to additional crimes and his June 1990 sentence of thirty-four years at Level V, suspended after thirty years at decreasing levels of supervision.⁴ In September 2002, Woods was again released on parole. But, after committing new offenses, he was re-incarcerated in 2004 and ordered to serve the remainder of his Level V sentence.⁵ Finally, in 2005, Woods was convicted of other offenses and was sentenced to eighteen years at Level V suspended after three years for probation.⁶

(4) On October 14, 2013, Woods moved for correction of illegal sentence. By order dated November 22, 2013, the Superior Court denied

² See *Woods v. State*, 2012 WL 1700449, at *1 (Del. May 15, 2012) (providing history of incarceration in order affirming denial of a modification of sentence).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Woods' motion as without merit and procedurally barred. This appeal followed.

(5) On appeal, Woods claims, as he did on his motion for correction of sentence, that his June 1990 sentence is illegal because he was not given the option, under 11 *Del. C.* 4216(d), to elect to be sentenced under the Truth in Sentencing Act.⁷ Woods' claim is undermined by the record, which includes a Truth in Sentencing Guilty Plea Form signed by Woods on March 29, 1990. That form advised Woods that he was "entitled to choose to be sentenced under the current provisions of [title 11] or under the Truth in Sentencing Act of 1989."

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁷ See 11 *Del. C.* § 4216(d) (2010) (providing that "[a]ny individual convicted of a crime on or after January 1, 1990, which crime occurred prior to June 30, 1990, may elect to be sentenced under the provisions of the Truth in Sentencing Act of 1989 rather than under the prior provisions of this title.").