

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

FERRIS W. WHARTON
JUDGE

NEW CASTLE COUNTY COURTHOUSE
WILMINGTON, DE 19801-3733

December 8, 2014

Sterling Hobbs a.k.a. Amir Fatir
SBI # 13
1181 Paddock Road
Smyrna, Delaware 19977

Letter and Order

RE: Pending 1979 Motion for Correction of Sentence – 75060892DI

Dear Mr. Hobbs:

The Court has received your letter titled “Pending 1979 Motion for Correction of Sentence.” In your letter you assert that you are entitled to have your thirty year sentence for Possession of a Deadly Weapon During the Commission of a Felony vacated based upon an unsettled Motion for Correction of Sentence filed in 1979. You write that the State did not oppose the Motion in 1979 pursuant to the Delaware Supreme Court decision in *State v. Davis*¹ and that the vacation was never executed and “appears to be falling through the cracks.”²

In 1986, the Delaware Supreme Court issued an Opinion in *LaCompte v. State*³ that overruled *State v. Davis*. Therefore, the *Davis* case is no longer good legal

¹ 400 A.2d 292 (Del. 1979).

² Def. Mot., D.I. 249, at pg. 1.

³ 516 A.2d 898 (Del. 1986).

precedent. Your sentence on Possession of a Deadly Weapon During the Commission of a Felony cannot be vacated based upon old law that is now invalid.⁴

Therefore, your request is hereby DENIED.

Sincerely yours,

/s/ Ferris W. Wharton
Judge

FWW/jnl

⁴ See Super. Ct. Crim. R. 35(a).