

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELADIO CRUZ,	§
	§ No. 240, 2015
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 30007952DI
Plaintiff Below-	§
Appellee.	§

Submitted: May 22, 2015

Decided: July 21, 2015

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

ORDER

This 21st day of July 2015, after careful consideration of the appellant's opening brief and the State's motion to affirm, it is manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated April 29, 2015. The function of Superior Court Criminal Rule 36 is to allow the trial court to correct clerical mistakes in judgments. The Superior Court did not err in denying the appellant's motion under Rule 36 because his assertion of a clerical error in the Superior Court's sentencing order was unsupported. The Superior Court's April 5, 1991 sentencing order did not—as a matter of fact—and could not—as a matter of law, stipulate that the appellant was

eligible for parole on his life sentence imposed under the Truth in Sentencing Act.¹ Moreover, to the extent the motion alleged an error in the Department of Correction's records, Rule 36 may not be used to correct DOC errors.²

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

¹ 11 *Del. C.* § 4354.

² *Williams v. State*, 2011 WL 1716446 (Del. May 4, 2011).