IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID M. WILLIAMS,	§	
	§	No. 363, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware,
v.	§	in and for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 9803018202B
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: September 27, 2012
Decided: November 16, 2012

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

O R D E R

This 16th day of November 2012, upon consideration of the appellant's opening brief and the appellee's Supreme Court Rule 25(a) motion to affirm, it appears to the Court that:

(1) The defendant-appellant, David M. Williams, appeals from a Superior Court June 18, 2012 order denying his Superior Court Criminal Rule 35 motion for a sentence reduction.[1] The plaintiff-appellee, the State of Delaware, moves to affirm the Superior Court order on the ground that it

[1] The State represents that Williams has filed a total of 25 sentence reduction motions, extraordinary writs, and postconviction motions in the Superior Court.

is manifest on the face of the opening brief that this appeal is without merit.[2] We agree and affirm.

(2) In 1999, Williams was convicted of two counts of Attempted Burglary in the Second Degree,[3] Possession of Burglar's Tools,[4] and Criminal Mischief.[5] He was sentenced as a habitual offender on each attempted burglary conviction to twelve years of Level V incarceration.[6] On the possession of burglar's tools conviction, he was sentenced to three years at Level V, to be suspended after two years for decreasing levels of supervision.[7] On the criminal mischief conviction, he was sentenced to probation.[8] This Court affirmed Williams' convictions on direct appeal.[9]

(3) On appeal, Williams claims that his attempted burglary sentences are illegal under Rule 35(a) because: (a) his standby counsel recently informed him that he could only be sentenced to the statutory minimum, (b)

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[2] Supr. Ct. R. 25(a).

[3] DEL. CODE ANN. tit. 11, §§ 531 and 825.

[4] DEL. CODE ANN. tit. 11, § 828.

[5] DEL. CODE ANN. tit. 11, § 811.

[6] DEL. CODE ANN. tit. 11, § 4214(a).

[7] DEL. CODE ANN. tit. 11, § 4205(b)(6).

[8] DEL. CODE ANN. tit. 11, §§ 4206(c) and (d).

[9] *Williams v. State*, 2000 WL 975057 (Del. May 30, 2000).

there were typographical errors in the criminal action numbers listed in the State's habitual offender petition, and (c) his sentences are disproportionate when compared to the sentences of other habitual offenders. A sentence is illegal under Rule 35(a) if the sentence exceeds the statutorily-authorized limits, violates double jeopardy, is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to the substance of the sentence, or is a sentence that the judgment of conviction did not authorize.[10]

(4) None of Williams' contentions give rise to a cognizable claim under Rule 35(a). To the extent Williams contends that his sentence exceeds the statutorily-authorized limits because of his standby attorney's alleged statement, that contention fails, because there is no showing that any of Williams' sentences exceeds the statutorily-authorized limit. Because Williams has failed to demonstrate that his sentences are illegal under Rule 35(a), we conclude that his claims are without merit.

[10] *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice