

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LAVAR W. HALL,	§
	§ No. 83, 2013
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 1201000084
	§
Plaintiff Below-	§
Appellee.	§

Submitted: May 1, 2013

Decided: May 8, 2013

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 8th day of May 2013, upon consideration of the appellant’s opening brief and the appellee’s motion to dismiss pursuant to Supreme Court Rule 29(b), it appears to the Court that:

(1) The defendant-appellant, Lavar W. Hall, filed an appeal from the Superior Court’s February 21, 2013 violation of probation (“VOP”) sentencing order. The plaintiff-appellee, the State of Delaware, has moved to dismiss the appeal on the ground of mootness. We agree that the appeal is moot and, therefore, grant the State’s motion to dismiss.

(2) The record before us reflects that, in June 2012, Hall pleaded guilty to Assault in the Third Degree and Carrying a Concealed Dangerous

Instrument, as lesser included offenses of Assault in the First Degree and Possession of a Deadly Weapon During the Commission of a Felony. He was sentenced to two years of Level V incarceration, to be suspended for one year at Level II. Hall subsequently was found to have committed a VOP. He was re-sentenced to one hundred and ninety-seven days at Level V, to be suspended for ninety days at the Level IV VOP Center, followed by six months of Level IV Home Confinement. It is from that VOP sentence that Hall has filed this appeal.

(3) Hall subsequently filed several motions in the Superior Court seeking to modify his VOP sentence. The Superior Court declined to act on those motions while this appeal was pending, but stated that it would review issues related to Hall's Level IV Home Confinement. On April 26, 2013, the same date Hall filed his opening brief in this Court, the Superior Court suspended the remainder of Hall's sentence and discharged him from his probation as unimproved. The Superior Court stated that the modification of Hall's sentence was "due to the defendant not having a Level 4 host available."

(4) In this appeal, Hall claims that the Superior Court incorrectly calculated his latest sentence and asks that the Home Confinement portion of his sentence be eliminated.

(5) Under Delaware law, satisfaction of a sentence renders claims relating to that sentence moot, as long as the defendant suffers no collateral legal disabilities or burdens.¹ In the absence of any evidence of a collateral legal disability or burden for Hall, we conclude that the issue raised by Hall in this appeal is no longer in controversy because the Superior Court eliminated the Home Confinement portion of his sentence as he requested. Hall's appeal must, therefore, be dismissed as moot.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *Gural v. State*, 251 A.2d 344, 344-45 (Del. 1969).