IN THE SUPREME COURT OF THE STATE OF DELAWARE

	§	
DANA I. WILLIAMS,	§	Nos. 678, 2012 and 291, 2013
	§	
Defendant Below,	§	C O N S O L I D A T E D
Appellant,	§	
	§	Court Below–Superior Court of
v.	§	State of Delaware, in and for
	§	New Castle County
STATE OF DELAWARE,	§	
	§	Cr. ID Nos. 0302009660
Plaintiff Below,	§	0109001783
Appellee.	§	9511017952
	§	9510004645
	§	

Submitted: December 31, 2013
Decided: January 24, 2014

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

O R D E R

This 24th day of January 2014, upon consideration of the briefs of the parties, the Superior Court records, and the appellee's motion to consolidate and stay briefing schedule, it appears to the Court that:

(1) On January 10, 2013, the appellant, Dana I. Williams, filed an appeal from the Superior Court's December 13, 2012 order denying his motions seeking a correction of sentence, a modification of sentence, and/or credit for time served in Cr. ID Nos. 0109001783, 9511017952, and

9510004645. The appeal, which was assigned No. 678, 2012, was fully briefed and submitted to the Court for decision as of November 8, 2013.

(2) On June 5, 2013, Williams filed an appeal from the Superior Court's May 15, 2013 denial of his motion seeking credit for time served in Cr. ID No. 0302009660. In that appeal, which was assigned No. 291, 2013, Williams filed his opening brief on December 30, 2013.

(3) On December 31, 2013, the State filed a motion to consolidate appeal No. 678, 2012 and appeal No. 291, 2013 on the basis that both appeals concern the issue of credit for time served and, in the interests of judicial economy, would be addressed most efficiently if submitted as one matter. To expedite disposition of the two appeals, the State also asked to stay further briefing in appeal No. 291, 2013 because "repetition of Williams' incarceration and sentence history in a second [answering] brief would be of little assistance to the Court." Having reviewed the records, the State has demonstrated good cause for consolidating the two appeals and for a stay of the briefing in appeal No. 291, 2013.

(4) Turning to the merit of the appeals, the record reflects that, in December 1996, Williams was found guilty of Assault in the Second Degree in Cr. ID No. 9510004645. In January 1997, the Superior Court sentenced Williams to 8 years at Level V suspended after 5 years for decreasing levels

of supervision. In April 1997, after the Superior Court amended the 8-year sentence to provide for no suspension of Level V time, Williams filed a motion for correction of an illegal sentence, which was denied by the Superior Court. Rather than appeal the Superior Court's decision, Williams filed an unsuccessful petition for a writ of mandamus in this Court.[1]

(5) In January 1999, a jury convicted Williams of Stalking and Noncompliance with Bond Conditions in Cr. ID No. 9511017952. On March 19, 1999, Williams was sentenced on the stalking conviction to 3 years at Level V. For noncompliance with bond conditions, Williams was sentenced to 5 years at Level V suspended after 4 years for decreasing levels of supervision.

(6) In January 2003, Williams was found guilty of Assault in a Detention Facility and Criminal Mischief in Cr. ID No. 0109001783. Williams was sentenced on the assault conviction to 3 years at Level V suspended after 1 year for decreasing levels of supervision. On the criminal mischief conviction, he was sentenced to 30 days at Level V suspended for 6 months at Level I.

(7) In February 2004, Williams pled guilty to Assault in the Second Degree in Cr. ID No. 0302009660 and was sentenced, on February 27, 2004,

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[1] *In re Williams*, 1998 WL 112529 (Del. Jan. 23, 1998).

to 3 years at Level V. On April 22, 2010, the 3-year sentence was modified to 60 days at Level V followed by sixty days at Level III.

(8) In September 2010, Williams was adjudged guilty of violation of probation ("VOP") in Cr. ID Nos. 0109001783, 9511017952, and 9510004645, and was resentenced on December 29, 2010 as follows. On the assault conviction in Cr. ID No. 9510004645, Williams was sentenced to 3 years at Level V suspended for decreasing levels of supervision. On the stalking conviction in Cr. ID No. 9511017952, Williams was sentenced to 1 year at Level V. On the assault in a detention facility conviction in Cr. ID No. 0109001783, Williams was sentenced to the term of his prior probationary sentence, and on his conviction of criminal mischief, he was sentenced to 30 days at Level V and then discharged as unimproved.

(9) On November 16, 2011, the Superior Court found that Williams had again committed a VOP and resentenced him on the assault conviction in Cr. ID No. 9510004645 to 3 years at Level V, without the benefit of good time, and resentenced him on the assault in a detention facility conviction in Cr. ID No. 0109001783 to 2 years at Level V, without the benefit of good time.

(10) In the appeals as consolidated, Williams claims that he has not received proper credit for time served in Cr. ID Nos. 0109001783,

9511017952, 9510004645, and 0302009660. In the answering brief in appeal No. 678, 2012, the State notes a number of "apparent anomalies" indicating that Williams' claim for credit for time served may, at least in part, be correct. As such, the State requests that this matter be remanded so that the problems may be addressed. We agree, and therefore remand this matter to the Superior Court so that it may conduct a complete review of Williams' various sentencing orders and, if necessary, correct those orders.[2]

NOW, THEREFORE, IT IS ORDERED that the motion to consolidate and stay briefing schedule is GRANTED. This consolidated appeal is hereby REMANDED to the Superior Court for further proceedings in accordance with this Order. Jurisdiction is not retained.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

[2] *Cf. Longford-Myers v. State*, 2013 WL 593249, at *3 (Del. Feb. 13, 2013) (providing that "[w]hen the State has acknowledged sentencing errors on appeal, we have remanded to the Superior Court for resentencing under plain error review, without otherwise reversing the sentence.").