



IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILMER MILTON, :
 :
 DEFENDANT BELOW, :
 APPELLANT, :
 :
 v. : No. 343, 2012
 :
 STATE OF DELAWARE :
 :
 PLAINTIFF BELOW,
 APPELLEE

**DEFENDANT APPELLANT'S OPENING BRIEF ON APPEAL FROM THE SUPERIOR
COURT OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY**

LAW OFFICE OF
EDWARD C. GILL, P.A.

/s/ Stephen W. Welsh
Stephen W. Welsh, Esquire
Attorney for Defendant
P.O. Box 824
Georgetown, DE 19947
(302) 854-5400

DATED: December 24, 2012

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF CONTENTS	2-3
TABLE OF CITATIONS	4
NATURE AND STAGE OF THE PROCEEDINGS	5
SUMMARY OF ARGUMENTS	6
STATEMENT OF FACTS	7-9
ARGUMENT I	10-12
A. QUESTION PRESENTED: DID THE TRIAL COURT ERR IN DENYING DEFENDANTS MOTION FOR JUDGMENT ACQUITTAL? DEFENDANT PRESERVED THIS ISSUE BY MOVING FOR JUDGMENT OF ACQUITTAL. (A39-43)	
B. THE STANDARD AND SCOPE OF REVIEW: THE STANDARD AND SCOPE OF REVIEW IS A DE NOVO REVIEW OF WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW IN DENYING A MOTION FOR JUDGMENT OF ACQUITTAL.	
C. MERITS OF ARGUMENT: THE TRIAL COURT ERRED AS A MATTER OF LAW WHEN DENYING THE MOTION FOR JUDGMENT OF ACQUITTAL AS NO RATIONAL TRIER OF FACT COULD HAVE FOUND BEYOND A REASONABLE DOUBT THAT THE DEFENDANT HAD THE REQUISITE INTENT TO KILL.	
ARGUMENT II	13-15
A. QUESTION PRESENTED: DID THE TRIAL COURT ERR IN CONDUCTING THREE OFF THE RECORD SIDEBAR CONFERENCES? (A20-23)	
B. THE STANDARD AND SCOPE OF REVIEW: THE STANDARD AND SCOPE OF REVIEW IS PLAIN ERROR UNDER SUPREME COURT RULE 8. WHETHER THE TRIAL JUDGE MADE A PLAIN ERROR THAT AFFECTED A SUBSTANTIAL RIGHT.	
C. MERITS OF THE ARGUMENT: THE TRIAL COURT ERRED AS A MATTER OF LAW AND SUPERIOR COURT RULE 26.1 WHEN IT CONDUCTED THREE SEPARATE OF THE RECORD SIDEBAR CONFERENCES.	
ARGUMENT III	16-18
A. QUESTION PRESENTED: DID THE TRIAL COURT ERR IN SUSTAINING THE STATE'S OBJECTION TO DEFENSE COUNSEL QUESTIONING OF WITNESS DEA COLEMAN. DEFENDANT PRESERVED THIS ISSUE BY ARGUING IN FAVOR OF ALLOWING THE QUESTIONING. (A24-25)	

B. THE STANDARD AND SCOPE OF REVIEW: THE STANDARD AND SCOPE OF REVIEW IS THAT OF ABUSE OF DISCRETION, WHETHER THE TRIAL COURT'S DECISION WAS BASED UPON CONSCIENCE AND REASON, AS OPPOSED TO CAPRICIOUSNESS OR ARBITRARINESS.

C. MERITS OF THE ARGUMENT: THE TRIAL COURT ABUSED ITS DISCRETION IN SUSTAINING THE STATES OBJECTION. THE PURPOSED LINE OF QUESTIONING WAS BOTH RELEVANT TO AN ALTERNATE THEORY OF THE CASE AND TO THE CREDITABILITY OF THE VICTIM.

CONCLUSION

19

EXHIBITS

Sentencing Order

Exhibit A

TABLE OF CITATIONS

<u>Cases</u>	<u>Page</u>
<u>In re Butler,</u> 609 A.2d 1080, 1082-83 (Del. 1992)	14
<u>Ross v. State,</u> 482 A.2d 727, 734-735 (Del. 1984).	14
<u>State v. Sudler,</u> 611 A.2d 945, 947 (Del. 1992)	14
<u>Winer v. State,</u> 950 A.2d 642, 646 (Del. 2008)	10
 <u>Rules and Statutes</u>	
<u>11 Del. C. § 231</u>	11
<u>11 Del. C. § 531</u>	10
<u>11 Del. C. § 636</u>	11
Del. Super. Ct. Crim. R. 26.1	13,14,15
D.R.E. 401	17
D.R.E. 403	17

NATURE AND STAGE OF THE PROCEEDINGS

Wilmer Milton was originally charged by indictment by the Grand Jury in the Superior Court of The State of Delaware in and for Sussex County on April 4, 2011, with eight counts consisting of one count of attempted murder, three counts of possession of a firearm during the commission of a felony, one count of robbery in the first degree, one count of burglary in the first degree, one count of wearing a disguise during the commission of a felony and one count of conspiracy in the second degree.

Trial occurred from March 13, 2012 through March 19, 2012. After the trial defendant was found guilty of all nine counts.

On May 25, 2012 the defendant was sentenced to a life imprisonment plus twenty five years. Defendant took a timely appeal to this Court. This is defendant appellant's opening brief on appeal.

SUMMARY OF ARGUMENT

I. THE TRIAL COURT COMMITTED ERROR WHEN IT FAILED TO GRANT DEFENDANT'S MOTION OF ACQUITTAL. NO RATIONAL TRIER OF FACT COULD HAVE FOUND BEYOND A REASONABLE DOUBT THAT THE DEFENDANT INTENDED TO MURDER DESHAWN BLACKWELL AS ALLEGED IN THE INDICTMENT. (A39-43)

II. THE TRIAL COURT COMMITTED ERROR WHEN IT CONDUCTED THREE OFF THE RECORD SIDEBAR CONFERENCES. SAID OFF THE RECORD SIDEBARS WERE DONE IN VIOLATION OF SUPERIOR COURT RULE AND LEGAL PRECEDENT, AND HAVE ADVERSELY EFFECTED THE DEFENDANT'S APPELLATE RIGHTS. (A20-23)

III. THE TRIAL COURT COMMITTED ERROR WHEN IT SUSTAINED THE STATES OBJECTION, ON RELEVANCY GROUNDS, TO THE DEFENSES QUESTIONING OF WITNESS DEA COLEMAN. DEFENSE COUNSEL WAS ATTEMPTING TO IMPEACH THE CREDITABILITY OF VICTIM DESHAWN BLACKWELL OR AT LEAST CALL INTO QUESTION HIS RECOLLECTION OF THE EVENTS, BY ASKING MS. COLEMAN, THE VICTIMS GIRLFRIEND AND ROOMMATE SIMILAR QUESTIONS THAT WERE ASKED TO BLACKWELL. THE DEFENDANT WAS SUBSTANTIALLY PREJUDICED AS THE STATES ENTIRE CASE WAS BASED ON WITNESS TESTIMONY AND AS SUCH THE ONLY DEFENSE WAS TO ATTACK THE CREDITABILITY OF SAID WITNESSES. (A24-25)

STATEMENT OF FACTS

On March 21, 2011, Deshawn Blackwell was at home, in his apartment located at 56 Laverty Lane, Bridgeville Delaware, with a friend Adrienne Bennett, doing cocaine. (A8-11) At approximately seven thirty in the evening Ms. Bennett left, leaving Mr. Blackwell alone in the apartment. (A-12) A few moments after Ms. Bennett left, three or four men entered the apartment. (A13-14). These men came through an unlocked door wearing disguises consisting of black hoodies, black masks and shirts tied around their faces. (A-14) Once inside the assailants pulled multiple weapons on Blackwell, as they searched the home for money. (A14-15) While unable to identify the assailants visually, Blackwell recognized the voice of co-defendant Ronald Roundtree. Roundtree and Blackwell had a prior altercation earlier in the week. (A-16)

Initially Blackwell only identified three assailants in the home. Leigh Daniels, a nurse that treated Blackwell at Christiana hospital testified that Mr. Blackwell told her that three men came into his apartment, not four as he later would claim. (A-26) Trooper Pixley testified that Blackwell stated to him, that three and possibly four individuals entered the apartment. (A-48) Blackwell's story then changed at trial when he testified that four individuals entered the apartment. (A-14)

Blackwell described the other assailants, excluding Roundtree, as follows: one was approximately six foot and skinny, one with dreadlocks and stocky, and the last was short and stocky. Three assailants testified that they took part in

the robbery. Ronald Roundtree testified that he entered the apartment and took part in the robbery. (A-32) Darrell Trotter, the assailant with the dreadlocks, testified that he entered the residence and took part in the robbery. (A-34) Treyman Atkins, the short stocky assailant testified that her entered the residence and took part in the robbery. (A-28) All three assailants similarly testified that Defendant Wilmer Milton took part in the Robbery. All three assailants gave contradictory statements as to the order that they claim they entered the apartment. Treyman Akins testified that Wilmer Milton entered first followed by Ronald Roundtree, Treyman Akins and last Darrell Trotter. (A-30) Ronald Roundtree testified that Wilmer Milton entered first followed by Treymen Akins, Darrell Trotter and last Ronald Roundtree. (A-32) Darrell Trotter testified that Wilmer Milton entered first followed by Treymen Akins, Ronald Roundtree and Darrell Trotter. (A-34)

The witnesses for the state also gave contradictory statements regards the number of guns present and who was in possession of SAID guns. Treyman Akins testified that there was only one gun and that said gun was in the possession of Ronald Roundtree. (A-29) Ronald Roundtree testified that there were two guns involved and that Treyman Akins and Wilmer Milton each had a gun. (A-31) Blackwell stated that there were two guns one held by an unidentified male, who Blackwell claimed was the shooter, and one held by Ronald Roundtree. (A-17)

Defendant, Wilmer Milton took the stand to testify in his Defense. Mr. Milton testified that he did know about the plan

hatched by the co-defendants to rob Deshawn Blackwell buy was not present and did not participate. Wilmer Milton testified that he was with his girlfriend at a hospital in Milford at the time of the robbery. (A-44) Milton testified that the reason that the co-defendants are implicating him is because that was the plan that they hatched together. Milton treated Treymen Akins and Darrell Trotter as family and did not want to see them do jail time and as such volunteered to be the fall guy in the event that they were arrested. (A46-47)

The Jury convicted the Defendant of all eight counts and the Court sentenced the Defendant to a life imprisonment plus twenty five years.

ARGUMENT I

A. QUESTION PRESENTED: DID THE TRIAL COURT ERR IN DENYING DEFENDANTS MOTION FOR JUDGMENT ACQUITTAL? DEFENDANT PRESERVED THIS ISSUE BY MOVING FOR JUDGMENT OF ACQUITTAL. (AA39-43)

B. THE STANDARD AND SCOPE OF REVIEW: THE STANDARD AND SCOPE OF REVIEW IS A DE NOVO REVIEW OF WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW IN DENYING A MOTION FOR JUDGMENT OF ACQUITTAL.

C. MERITS OF ARGUMENT: THE TRIAL COURT ERRED AS A MATTER OF LAW WHEN DENYING THE MOTION FOR JUDGMENT OF ACQUITTAL AS NO RATIONAL TRIER OF FACT COULD HAVE FOUND BEYOND A REASONABLE DOUBT THAT THE DEFENDANT HAD THE REQUISITE INTENT TO KILL.

Upon the closing of the State's case Defendant moved for a directed verdict on the theory that the State did not provide sufficient evidence of intent to prove count one, attempted Murder. The Court denied this motion finding that in the light most favorable to the State the trier of fact could find the defendant intended to kill Blackwell. (A39-40)

In reviewing a motion for acquittal the Court must determine "whether a rational trier of fact after considering all the evidence in the light most favorable to the State, could have found the essential elements of the crime beyond a reasonable doubt." Winer v. State, 950 A.2d 642, 646 (Del. 2008).

The first count of the indictment is attempted murder under Title 11 Section 531 and Title 11 Section 636 of the Delaware Code. The State had the burden to show that Mr. Milton, intentionally does anything which, under the circumstances as the person believes them to be, is a substantial step in a course of conduct planned to culminate in the commission of the crime of first degree murder. 11 Del. C. § 531. A person is guilty of murder

in the first degree when the person intentionally causes the death of another person. 11 Del. C. § 636. And a person acts intentionally with respect to an element of an offense when the element involves the nature of the person's conduct or a result thereof, it is the person's conscious object to engage in conduct of that nature or to cause that result. 11 Del. C. § 231. The state did not meet its burden in that there was no evidence presented to establish any intent to murder.

The evidence presented by the State as to intent consists of the victim's testimony as well as three co-defendants. Mr. Blackwell testified that he was slapped in the face with a gun by Ronald Roundtree and that as this happened he was automatically shot in the back by the unidentified shooter. (A-18) Only one shot was fired and the assailants fled the scene. Treyman Akins testified that there was only one gun and that said gun was in the possession of Ronald Roundtree. (A-29) Ronald Roundtree testified that the defendant was attempting to get Blackwell into Blackwell's vehicle so that they could head to Blackwell's aunt's home to get more money when Blackwell was shot. (A-33) Darrell Trotter testified, that Blackwell told them to take him to his aunt's home to get more money. In order to do this Trotter was told to go get Blackwell's vehicle so that they could drive to the aunt's home, it was during this time that the shooting occurred of which Trotter did not witness. (A34-38)

In the light most favorable to the State there are three theories as to the shooting occurred; 1) Ronald Roundtree slapped

Blackwell in the face with a gun and was instantly shot by the unidentified shooter, 2) Ronald Roundtree was the only assailant with a gun, or 3) while attempting to get Blackwell to his vehicle, he was shot one time in the back. As to the first theory their isn't sufficient evidence to show that Wilmer Milton was the shooter or in the alternative insufficient evidence to believe he had the requisite intent to kill Blackwell as the testimony seems to suggest that the shooting happened at the same time or in reaction to the slap in the face. As to the second theory Wilmer Milton did not possess a gun during the robbery and there was no evidence presented to show that Ronald Roundtree had the requisite intent to convict Wilmer Milton on a theory of accomplice liability. As to the third theory, there is no proof of intent to kill Blackwell, in fact the testimony presented seemed to indicate that the intent was to get him to the vehicle to obtain more money, killing Blackwell would have prevented the assailants attempt to obtain money from Blackwell's aunt.

Based on the evidence presented up at to the point of the defenses motion for acquittal no rational trier of fact could have found Wilmer Milton guilty of attempted Murder. Therefore, Defendant respectfully submits that the convictions at bar should be reversed.

ARGUMENT II

A. QUESTION PRESENTED: DID THE TRIAL COURT ERR IN CONDUCTING THREE OFF THE RECORD SIDEBAR CONFERENCES? (A20-23)

B. THE STANDARD AND SCOPE OF REVIEW: THE STANDARD AND SCOPE OF REVIEW IS PLAIN ERROR UNDER SUPREME COURT RULE 8. WHETHER THE TRIAL JUDGE MADE A PLAIN ERROR THAT AFFECTED A SUBSTANTIAL RIGHT.

C. MERITS OF THE ARGUMENT: THE TRIAL COURT ERRED AS A MATTER OF LAW AND SUPERIOR COURT RULE 26.1 WHEN IT CONDUCTED THREE SEPARATE OF THE RECORD SIDEBAR CONFERENCES.

At the conclusion of the questioning of witness Leigh Daniels, Defense counsel requested and was granted permission to approach the bench for an unrecorded sidebar conference. (A-20) Current counsel for Wilmer Milton was not his trial attorney and as such does not have any knowledge or belief as to what this sidebar conference addressed. There was not a subsequent explanation or instruction on the record to explain the nature of this conference.

During the cross examination of witness Adrian Bennett Defense counsel again requested to approach at sidebar without the Court Reporter. Counsel approached and a off the record conversation occurred at the conclusion of which counsel continued his questioning on cross examination. (A-21-22) There is no reference or explanation on the record as to what the nature of this sidebar conference.

At the conclusion of witness Adrian Bennett's testimony a off the record sidebar occurred. (A-23) Following this sidebar the Court addressed the jury regarding a scheduling matter, however because the matter was off the record counsel for the

Defendant can't be sure whether this off the record side bar addressed scheduling matter or substantive matters.

Superior Court Rules of Criminal Procedure Rule 26.1 states,

All sidebar conferences and chambers conferences during trial shall be recorded unless the trial judge determines, in advance, that neither evidentiary nor substantive issues are involved. Del. Super. Ct. Crim. R. 26.1

In State v. Sudler, 611 A.2d 945, 947 (Del. 1992), this Court addressed this issued, "We have repeatedly stated that all sidebar conferences, except those involving non-substantive issues, must be recorded. This requirement allows no room for discretion." The Court has made similar statements in In re Butler, 609 A.2d 1080, 1082-83 (Del. 1992) and Ross v. State, 482 A.2d 727, 734-735 (Del. 1984). In Ross v. State, the Court sets forth a standard requiring the Defendant to show prejudice or perceived prejudice has resulted from the lack of a full record. In this matter the lack of a record makes any attempt to show prejudice or perceived prejudice impossible because current counsel was not present during these conferences and as such cannot make argument that had these conferences been a part of the record counsel could make additional legal argument.

What is clear from the record is that three separate sidebar's conference occurred, none of which were recorded, in violation of Del. Super. Ct. Crim. R. 26.1. As to the third

referenced sidebar conference it could be argued that this matter addressed non-substantive matters based upon the Court's later explanation of the lack of witnesses and the necessity of an early lunch break. However, the first two off the record sidebar conferences took place at times that would make it unlikely that they were addressing scheduling matters. In fact the second off the record sidebar took place in the middle of the cross examination of a witness, making it very unlikely that this conference addressed any scheduling concerns. The first two sidebar conferences were initiated by defense counsel, and as such counsel anticipates an argument that the defendant was not prejudiced because his attorney was the person requesting the conference in the first place. This argument fails in that substitute counsel can not adequately represent the defendant on appeal without knowing the nature and substance of the off the record sidebars.

The failure of the court to record the three referenced sidebar conferences, thus preserving the record, violates Del. Super. Ct. Crim. R. 26.1. The lack of a complete record violates Defendants' federal and state constitutional rights. Therefore, Defendant respectfully submits that the convictions at bar should be reversed.

ARGUMENT III

A. QUESTION PRESENTED: DID THE TRIAL COURT ERR IN SUSTAINING THE STATE'S OBJECTION TO DEFENSE COUNSEL QUESTIONING OF WITNESS DEA COLEMAN. DEFENDANT PRESERVED THIS ISSUE BY ARGUING IN FAVOR OF ALLOWING THE QUESTIONING. (A24-25)

B. THE STANDARD AND SCOPE OF REVIEW: THE STANDARD AND SCOPE OF REVIEW IS THAT OF ABUSE OF DISCRETION, WHETHER THE TRIAL COURT'S DECISION WAS BASED UPON CONSCIENCE AND REASON, AS OPPOSED TO CAPRICIOUSNESS OR ARBITRARINESS.

C. MERITS OF THE ARGUMENT: THE TRIAL COURT ABUSED ITS DISCRETION IN SUSTAINING THE STATES OBJECTION. THE PURPOSED LINE OF QUESTIONING WAS BOTH RELEVANT TO AN ALTERNATE THEORY OF THE CASE AND TO THE CREDITABILITY OF THE VICTIM.

Witness Dea Coleman was the girlfriend and roommate of Deshawn Blackwell at the time the charged offense occurred. Ms. Coleman was called as a witness by the State. During the course of the cross examination defense counsel questioned Ms. Coleman about the possibility that Mr. Blackwell had been robbed prior to the charged robbery. (A-37) The State objected to the question, on relevancy grounds. Defense counsel explained at sidebar, that counsel had reason to believe that the victim had been robbed at least one time prior to March 21, 2011. Counsel argued that the questioning was relevant because it went directly to the creditability of Deshawn Blackwell. On direct examination Deshawn Blackwell testified that he was not robbed prior to the robbery that took place on March 21, 2012. (A-19) Counsel was attempting to impeach the creditability of Mr. Blackwell by questioning his roommate and girlfriend whom would likely have knowledge of the alleged prior robbery. The Court sustained the objection.

Evidence is relevant where it has a tendency to make the existence of any fact of consequence to the determination of Defendant's guilt or innocence more probable or less probable than it would be without the evidence. D.R.E. 401. Even where evidence is relevant, however, it may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. D.R.E. 403.

The Court found that any potential relevance of the line of questioning was outweighed by the potential confusion of issues for the jury. In sustaining the objection the Court took away the ability of the defense to show that the victim was either lying under oath when he testified that he had not been previously robbed or that his recollection as to that time frame was so poor that his entire testimony could have been called into question. The Defendant was prejudiced by this ruling in that the entirety of the States case is based on the testimony of eyewitnesses, there was no physical or forensic evidence presented at trial to link Mr. Milton to this robbery. The only possible defense was to attack the creditability or recollection of the state's witnesses. By sustaining this objection the Court took away the ability of the defense to substantially attack the creditability of Mr. Blackwell.

The Court should have overruled the objection and allowed the defense to question Ms. Coleman on any prior robberies that occurred at her residence. The Court's sustaining of the objection substantially prejudiced Mr. Milton's trial rights.

Therefore, Defendant respectfully submits that the convictions at bar should be reversed.

CONCLUSION

For the reasons set forth herein Defendant respectfully prays that the Defendant's convictions at bar be reversed and an order be entered that all charges against the defendant are dismissed or, if that remedy is not granted, that all convictions of the Defendant be reversed and the matter remanded to the Superior Court for a new trial.

LAW OFFICE OF
EDWARD C. GILL, P.A.

/s/ Stephen W. Welsh
Stephen W. Welsh, Esquire
Attorney for Defendant
16 North Bedford Street
P.O. Box 824
Georgetown, De 19947
854-5400

DATED: December 24, 2012

AFFIDAVIT OF ELECTRONIC MAILING

BE IT REMEMBERED that on this 24st day of December, 2012 Elizabeth Stewart, Secretary for the Law Office of Edward C. Gill, P.A., does state that she forwarded, via electronic filing, two copies of: **Defendant Appellant's Opening Brief on Appeal from the Superior Court of the State of Delaware in and for Sussex County**

to: Abbey Adams, Esquire
Department of Justice
114 East Market Street
Georgetown, De 19947

/s/ Elizabeth Stewart
Secretary

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE

VS.

WILMER L MILTON

Alias: See attached list of alias names.

DOB: 12/08/1982

SBI: 00337177

CASE NUMBER:

1103018831

CRIMINAL ACTION NUMBER:

IS11-04-0487

PFDCF(F)

IS11-04-0564

PFDCF(F)

IS11-04-0565

PFDCF(F)

IS11-04-0485

ATT MURDER 1ST(F)

IS11-04-0486

ROBBERY 1ST(F)

IS11-04-0488

BURGLARY 1ST(F)

IS11-04-0490

DISGUISE(F)

IS11-04-0491

CONSP 2ND(F)

COMMITMENT

SEE NOTES FOR FURTHER COURT ORDER-TERMS/CONDITIONS

LIFE SENTENCE

SENTENCE ORDER

NOW THIS 25TH DAY OF MAY, 2012, IT IS THE ORDER OF THE
COURT THAT:

The defendant is adjudged guilty of the offense(s) charged.
The defendant is to pay the costs of prosecution and all
statutory surcharges.

AS TO IS11-04-0487- : TIS

PFDCF

Effective May 25, 2012 the defendant is sentenced
as follows:

- The defendant is placed in the custody of the Department
of Correction for 5 year(s) at supervision level 5 with
credit for 258 day(s) previously served

APPROVED ORDER 1 December 24, 2012 09:12

STATE OF DELAWARE
VS.
WILMER L MILTON
DOB: 12/08/1982
SBI: 00337177

- No probation to follow.

**AS TO IS11-04-0564- : TIS
PFDCF**

- The defendant is placed in the custody of the Department of Correction for 5 year(s) at supervision level 5

- No probation to follow.

**AS TO IS11-04-0565- : TIS
PFDCF**

- The defendant is placed in the custody of the Department of Correction for 5 year(s) at supervision level 5

- No probation to follow.

**AS TO IS11-04-0485- : TIS
ATT MURDER 1ST**

The defendant shall pay his/her restitution joint/severally as follows: See attached list of payees.

- The defendant is placed in the custody of the Department of Correction for the balance of his/her natural life at supervision level 5

**AS TO IS11-04-0486- : TIS
ROBBERY 1ST**

- The defendant is placed in the custody of the Department of Correction for 25 year(s) at supervision level 5

- Suspended after 5 year(s) at supervision level 5

- For 2 year(s) supervision level 3

The level 3 probation is concurrent to any level 3 now serving.

**AS TO IS11-04-0488- : TIS
BURGLARY 1ST**

- The defendant is placed in the custody of the Department of Correction for 15 year(s) at supervision level 5

- Suspended after 5 year(s) at supervision level 5

- For 2 year(s) supervision level 3

APPROVED ORDER 2 December 24, 2012 09:12

STATE OF DELAWARE
VS.
WILMER L MILTON
DOB: 12/08/1982
SBI: 00337177

The level 3 probation is concurrent to any level 3 under criminal action number S11-04-0486

AS TO IS11-04-0490- : TIS
DISGUISE

- The defendant is placed in the custody of the Department of Correction for 5 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

The level 3 probation is concurrent to any level 3 under criminal action number S11-04-0486

AS TO IS11-04-0491- : TIS
CONSP 2ND

- The defendant is placed in the custody of the Department of Correction for 2 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

The level 3 probation is concurrent to any level 3 under criminal action number S11-04-0486

SPECIAL CONDITIONS BY ORDER

**STATE OF DELAWARE
VS.
WILMER L MILTON
DOB: 12/08/1982
SBI: 00337177**

**CASE NUMBER:
1103018831**

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Should the defendant be unable to complete financial obligations during the period of probation ordered, the defendant may enter the work referral program until said obligations are satisfied as determined by the Probation Officer.

Have no contact with codef. Ronald Roundtree

Have no contact with codef. Darrell Trotter

Have no contact with codef. Adreine Bennett

Have no contact with codef. Treymen Atkins

Have no contact with victim Deshawn Blackwell

Have no contact with Dea Coleman

Have no contact with Laverty Lane Apartments

Pursuant to 29 Del.C. 4713(b)(2), the defendant having been convicted of a Title 11 felony, it is a condition of the defendant's probation that the defendant shall provide a DNA sample at the time of the first meeting with the defendant's probation officer. See statute.

NOTES

The restitution ordered in this matter is to be paid jointly and severally with codefendants Ronald Roundtree (ID#1103018827), Treymen Atkins (ID#1103018832), Adreine

APPROVED ORDER 4 December 24, 2012 09:12

STATE OF DELAWARE
VS.
WILMER L MILTON
DOB: 12/08/1982
SBI: 00337177

Bennett (ID#1103022133) and Darrell Trotter
(ID#1103019669).

JUDGE RICHARD F STOKES

APPROVED ORDER

5

December 24, 2012 09:12

FINANCIAL SUMMARY

STATE OF DELAWARE
VS.
WILMER L MILTON
DOB: 12/08/1982
SBI: 00337177

CASE NUMBER:
1103018831

SENTENCE CONTINUED:

TOTAL DRUG DIVERSION FEE ORDERED	
TOTAL CIVIL PENALTY ORDERED	
TOTAL DRUG REHAB. TREAT. ED. ORDERED	
TOTAL EXTRADITION ORDERED	
TOTAL FINE AMOUNT ORDERED	
FORENSIC FINE ORDERED	
RESTITUTION ORDERED	7550.00
SHERIFF, NCCO ORDERED	210.00
SHERIFF, KENT ORDERED	
SHERIFF, SUSSEX ORDERED	375.00
PUBLIC DEF, FEE ORDERED	100.00
PROSECUTION FEE ORDERED	100.00
VICTIM'S COM ORDERED	
VIDEOPHONE FEE ORDERED	8.00
DELJIS FEE ORDERED	8.00
SECURITY FEE ORDERED	80.00
TRANSPORTATION SURCHARGE ORDERED	
FUND TO COMBAT VIOLENT CRIMES FEE	
<hr/>	
TOTAL	8,431.00

APPROVED ORDER

6

December 24, 2012 09:12

RESTITUTION SUMMARY

STATE OF DELAWARE

VS.

WILMER L MILTON

DOB: 12/08/1982

SBI: 00337177

CASE NUMBER:

1103018831

AS TO IS11-04-0485 :

The defendant shall pay restitution
joint/severally as follows:

\$ 5550.00 to DESHAWN C BLACKWELL
\$ 2000.00 to VICTIMS COMP. ASSISTANCE PROG

LIST OF ALIAS NAMES

STATE OF DELAWARE
VS.
WILMER L MILTON
DOB: 12/08/1982
SBI: 00337177

CASE NUMBER:
1103018831

WILMER L MELTON
LEANDREW B MILTON
LEE A MILTON
WILMER LEAN MELTON
WILMER LEE A MILTON
LEE ANDREW W MILTON
LEE ANDREWS
WILMER MILTON
LEE MILTON

AGGRAVATING-MITIGATING

STATE OF DELAWARE
VS.
WILMER L MILTON
DOB: 12/08/1982
SBI: 00337177

CASE NUMBER:
1103018831

AGGRAVATING

UNDUE DEPRECIATION OF OFFENSE
CUSTODY STATUS AT TIME OF OFFENSE
PRIOR VIOLENT CRIM. ACTIVITY
REPETITIVE CRIMINAL CONDUCT
OTHER
LACK OF AMENABILITY