

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)
)
 VS.) ID# 1911015042/2008011758
)
 EMMANUEL HOLIDAY)
)

Submitted: August 27, 2024
Decided: October 4, 2024

ORDER

AND NOW, TO WIT, this 4th day of October, 2024, the Court having considered the Motion for Credit Time Previously Served, the record in the case and the Delaware Supreme Court Order in *Holiday v. State*,¹ it appears to the Court that:

1. Holliday, following his convictions for and violations of his sentences for Assault Second Degree, Robbery Second Degree, Conspiracy Second Degree and Carrying a Concealed Deadly Weapon, has filed multiple motions for sentence modifications in this Court.²

¹ *Holiday v. State*, No. 113, 2024 ORDER, Jul. 26, 2024, Griffiths, J. As the Supreme Court did, the Court will refer to Mr. Holliday with the spelling he provides in his filings in the text of this Order, which differs from the Superior Court docket information and case caption.

² *State v. Holiday*, Crim. I.D. No. 1911015042 D.I. 14, 23, 24, 30, 36, 29, 42, 46, 47, 48, 49, 50, 51, 55, 56, 66; *State v. Holiday*, Crim. I.D. No. 2008011758, D.I 21, 37, 41, 44, 47, 48, 49, 50, 53, 55, 56, 59, 60, 63-64, 65.

2. At a February 23, 2024, status conference, Holliday, through counsel orally moved for a sentence modification.³ On March 1, 2024, the motion was heard and granted, in part. For Holliday's Assault Second Degree conviction, he was resentenced to eighteen months of Level V imprisonment, with no probation to follow.⁴ The sentences for his remaining convictions, Robbery Second Degree, Conspiracy Second Degree and Carrying a Concealed Deadly Weapon, were not modified. The effective date of this sentence was May 19, 2023.⁵

3. Holliday appealed this sentence to the Delaware Supreme Court on March 19, 2024.⁶

3. On April 29, 2024, Holliday filed the instant Motion for Credit for Time Previously Served.⁷

4. Despite the pendency of the Supreme Court appeal, in a letter dated June 11, 2024, Mr. Holliday was informed by this Court that:

The credit time from your incarceration on February 17, 2023, through April 25, 2023, was provided to you on the second violation of probation sentencing order dated April 25, 2023. On May 17, 2023, an administrative warrant was filed alleging your third violation at level 4 and you were transferred to level 5 incarceration. This credit time was provided to you on your

³ D.I. 55 (5042); D.I. 59 (1758)

⁴ D.I. 57 (5042), D.I. 61 (1758).

⁵ *Id.*

⁶ *Holliday v. State*, 113, 2024, D.I. 1.

⁷ D.I. 56 (5042), D.I. 69 (1758).

third violation of probation sentencing order dated June 6, 2023, and subsequently modified on March 1, 2024.

Therefore, all credit time was given to you and reflected appropriately on your sentencing Orders.⁸

4. Now that the Supreme Court has affirmed his violation of probation sentence, the matter is ripe for adjudication in this Court.

5. For the reasons stated in the June 11, 2024, letter to Mr. Holliday, the Court has determined that Mr. Holliday was afforded the appropriate amount of credit time on his modified sentence.

THEREFORE, IT IS SO ORDERED that the defendant's Motion for Credit Time Previously Served is **DENIED**.



Danielle J. Brennan,
Superior Court Judge

CC: Emmanuel Holiday (SBI: 00829792)
Department of Justice
Alexandria Shaffer, ODS
Prothonotary

⁸ D.I. 68 (5042); D.I. 72 (1758).