

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ORDER AMENDING

**SPECIAL RULE OF CRIMINAL PROCEDURE 2017-1
FOR REVIEW OF A REQUEST TO MODIFY
A HABITUAL OFFENDER SENTENCE**

This 8th day of November, 2017, **IT IS SO ORDERED** that:

Superior Court Special Rule of Criminal Procedure 2017-1(d)(4) is amended
by adding the underlined text:

(4) Multiple judgments of sentence. If judgments of sentence under the prior provisions of 11 *Del. C.* § 4214 were entered on more than one offense at the same time because of joinder of offenses in one indictment, in one plea of guilt, or in one trial, the petitioner may seek modification of each such judgment of sentence in the petition. If other judgments of sentence were entered on one or more offenses at the same time and in the same sentencing order as a judgment of sentence under the prior provisions of 11 *Del. C.* § 4214 because of joinder of offenses in one indictment, in one plea of guilt, or in one trial, the Court may, notwithstanding any contrary provision of Superior Court Criminal Rule 35 or 11 *Del. C.* § 4217, consider modification of each such judgment of sentence to which 11 *Del. C.* §4214 was not applied. Judgments entered at different times shall not be challenged in one petition but only by separate petitions.

This amendment shall take effect on November 8, 2017, and shall apply to any request to modify a habitual criminal sentence under 11 *Del. C.* § 4214(f) filed on or after this effective date, or pending on this effective date, no matter the stage of proceedings on such pending request.