

**Superior Court Amends Special Rule of Procedure 2017-1  
Governing Procedures for Certain Sentenced Inmates Seeking Review of  
Their Sentences Imposed Under Delaware's Habitual Criminal Act**

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The Superior Court adopted Special Rule of Procedure 2017-1, a temporary rule to govern the procedure for petitions by those in custody and serving terms of imprisonment imposed prior to July 19, 2016, under the former version of the Habitual Criminal Act. That Special Rule required amendment after examination of numerous cases in which the habitual criminal sentencing order comprised a cumulative sentence for multiple offenses, some of which were non-habitual sentences. Those latter sentences are outside the scope of relief permitted by 11 *Del. C.* § 4214(f) and – due to time, previous applications, etc. – are almost always barred from review under other sentence modification rules or statutes.

This amendment will allow the reviewing judge to examine the entire sentence imposed in those certain habitual criminal cases eligible for review under 11 *Del. C.* § 4214(f) and to exercise his or her discretion to modify the attendant non-habitual sentences where appropriate. This amendment to Special Rule of Procedure 2017-1 will harmonize the § 4214(f) review procedure with the Court's criminal rules and Delaware statutes governing other sentence review procedures.

Superior Court's amended Superior Court's amended Special Rule of Procedure 2017-1 is available on the [Rules of the Delaware State Courts](#) website.