

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**CRIMINAL CASE MANAGEMENT PLAN  
FOR RESENTENCING PROCEEDINGS  
UNDER 79 DEL. LAWS c. 37 (2013) and 11 DEL. C. § 4209A**

The following plan is adopted by the Superior Court of the State of Delaware.

**A. Scope and Purpose**

This plan governs procedures and proceedings brought pursuant to 79 DEL. LAWS c. 37 (2013) and 11 *Del. C.* § 4209A for the resentencing of any inmate serving a sentence imposed under 11 *Del. C.* § 4209 for the offense of murder in the first degree that was committed before the inmate had reached the inmate's eighteenth birthday when that sentence was imposed before the enactment of 79 DEL. LAWS c. 37 (2013) on June 4, 2013.

**B. Applications, Exclusiveness of Remedy and Timing**

(a) *Applications.* Applications for resentencing pursuant to 79 DEL. LAWS c. 37 (2013) and 11 *Del. C.* § 4209A shall be filed with the Prothonotary in the county in which the applicant was originally sentenced under 11 *Del. C.* § 4209 and shall be served upon the office of the Attorney General in the county of application.

(b) *Exclusiveness of remedy.* An application shall be limited to a request for resentencing pursuant to 79 DEL. LAWS c. 37 (2013) and 11 *Del. C.* § 4209A of a sentence imposed under 11 *Del. C.* § 4209 for the offense of murder in the first degree that was committed before the inmate had reached the inmate's eighteenth birthday when that sentence was imposed before the enactment of 79 DEL. LAWS c. 37 (2013). If judgments of sentence were entered on more than one offense at the same time as for the offense of murder in the first degree because of joinder of offenses in one indictment, in one plea of guilt, or in one trial, the applicant may seek resentencing of each such judgment of sentence in the application. The remedy afforded by these rules may not be sought in any manner other than as provided by this plan, and no remedy other than resentencing pursuant to 79 DEL. LAWS c. 37 (2013) and 11 *Del. C.* § 4209A shall be granted under this plan.

(c) *Time for filing.*

(1) Applications for resentencing pursuant to this plan shall be filed on or before December 31, 2014.

(2) No application for resentencing pursuant to this plan may be filed after December 31, 2014. After December 31, 2014 any application for sentence reduction or modification by an inmate serving a sentence imposed under 11 *Del. C.* § 4209 for the offense of murder in the first degree that was committed before the inmate had reached the inmate's eighteenth birthday shall be governed by this court's criminal rules.

**C. Appointment of Counsel**

The court will appoint counsel for each applicant's resentencing proceedings. Unless an applicant waives counsel, it shall be the duty of counsel to assist the applicant in preparing and presenting any substantial factor important to the sentencing determination available to the applicant. Upon entry of a final sentencing order, counsel's continuing duty shall be as provided in Supreme Court Rule 26.

**D. Resentencing Hearings**

Upon the hearing on any application, the court shall vacate the sentence that had been imposed under 11 *Del. C.* § 4209, and any judgments of sentence properly joined thereto, and shall conduct new sentencing proceedings pursuant to the court's Criminal Rule 32(a). Nothing in this plan, however, shall require the court to grant a reduction in sentence to any applicant.

**E. Effective Date**

This plan shall take effect on July 12, 2013. It shall govern all applications for resentencing pursuant to 79 DEL. LAWS c. 37 (2013) and 11 *Del. C.* § 4209A commenced on or before December 31, 2014 and, so far as just and practicable, all proceedings then pending.

THE ABOVE PLAN IS HEREBY ADOPTED BY THE PRESIDENT  
JUDGE OF THE SUPERIOR COURT OF THE STATE OF DELAWARE THIS  
12th DAY OF JULY, 2013.

/s/ James T. Vaughn, Jr.  
President Judge

/s/ T. Henley Graves  
Judge

/s/ Charles H. Toliver, IV  
Judge

/s/ Richard R. Cooch  
Judge

/s/ Fred S. Silverman  
Judge

/s/ William C. Carpenter, Jr.  
Judge

/s/ William L. Witham, Jr.  
Judge

/s/ Richard F. Stokes  
Judge

/s/ E. Scott Bradley  
Judge

/s/ Jan R. Jurden  
Judge

/s/ Calvin L. Scott  
Judge

/s/ Mary M. Johnson  
Judge

/s/ Robert B. Young  
Judge

/s/ M. Jane Brady  
Judge

/s/ John A. Parkins  
Judge

/s/ Diane C. Streett  
Judge

/s/ Charles E. Butler  
Judge

/s/ Eric M. Davis  
Judge

/s/ Paul R. Wallace  
Judge

/s/ Vivian L. Rapposelli  
Judge

/s/ Andrea L. Rocanelli  
Judge