

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)	
)	I.D. No. 9507020385
v.)	
)	
WILLIE R. HARRIS)	
Defendant)	

Submitted: June 26, 2012
Decided: September 14, 2012

Upon Defendant's Motion to be Removed from the Sex Offender Registry.¹
DENIED.

ORDER

Martin O'Conner, Esquire, Deputy Attorney General, Department of Justice,
Wilmington, Delaware, Attorney for the State.

Willie R. Harris, Wilmington, Delaware, *pro se*.

COOCH, R.J.

This 14th day of September 2012, upon consideration of Defendant's Motion to be Removed from the Sex Offender Registry, it appears to the Court that:

1. Defendant pled guilty in October 1995 to one count Unlawful Sexual Contact Third Degree. In December 1997, Probation and Parole recommended that Sex Offender conditions be placed upon his supervision. Defendant was registered and assigned a Tier 1 sex

¹ Defendant captioned his Motion as "Not a motion" but explicitly requested "to be removed from the list." The Court is interpreting this as the above referenced Motion.

offender on February 27, 1998 because of a probation violation. Defendant was discharged from probation in August 1999.

2. Since his discharge, defendant has been convicted of additional crimes. Defendant was convicted of maintaining a dwelling for keeping controlled substances in 2002. Then, in 2010, the defendant was convicted of criminal impersonation of a police officer/firefighter/EMT.
3. Defendant's "motion" is reproduced at length herein:

This is not a motion/To be Remove From the List.

Now I have full custody of my five years old daughter, a stable job I am try to get in school, for my GED there's are things I can not do cause of this, life has been really hard for me, so I do have a plan, to better my life an daughter's life, open a business up, so I can make a better life for us. So this is my sup. Facts: An I pray that the Judge will consider my motion.²

....

I was put on sex offender register list startin at 10-5-95 an to my understandin 10 years is the "stat" time for me to be off, so I'll be restry for 15teen years as of to today So I would like to go in front of the Judge, to request my remove from the list.³

4. 11 Del. C. §4121(e)(2)(c) provides, in pertinent part:

Any sex offender designated to Risk Assessment Tier 1 may petition the Superior Court for relief from designation as a sex offender, and from all obligations imposed pursuant to this section and §4120 of this title, if 10 years have elapsed from the last day of any level IV or V sentence imposed at the time of the original conviction, or from the date of sentencing if no Level IV or V sentence was imposed, and if the offender has successfully completed an appropriate sex offender treatment program certified by the State and has not been convicted of any

² Def's M. to be Removed from the Sex Offender Registry at 2 (all errors and emphasis original).

³ *Id.* at 5. (all errors and emphasis original).

crime (other than motor vehicle offense) during such time. If the offender has been convicted of any subsequent offense...or has been otherwise found to have violated the terms of any probation, parole or conditional release relating to the sentence originally imposed following the conviction for the underlying sex offense, no petition or redesignation shall be permitted until 10 years have elapsed from the date of the subsequent conviction or finding of violation. . . .⁴

5. The State opposes the motion.
6. Defendant is ineligible to be removed from the sex offender registry pursuant to 11 *Del. C.* §4121(e)(2)(c). Defendant's convictions in 2002 and 2010 both restarted the ten year period required for sex offender registry removal.
7. Therefore, Defendant's Motion to be Removed from the Sex Offender Registry is **DENIED**.

IT IS SO ORDERED.

Richard R. Cooch, R.J.

oc: Prothonotary
cc: Investigative Services

⁴ 11 *Del. C.* §4121(e)(2)(c).