

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM E. HAUG,	§
	§
Defendant Below-	§ No. 165, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0004014588
Plaintiff Below-	§
Appellee.	§

Submitted: January 11, 2008

Decided: April 7, 2008

Before **HOLLAND**, **BERGER**, and **RIDGELY**, Justices.

ORDER

This 7th day of April 2008, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, William Haug, filed this appeal from a Superior Court order, dated March 6, 2007, which denied his motion for correction of sentence.

We find no merit to Haug's appeal. Accordingly, we affirm the judgment below.

(2) The record reflects that Haug was convicted and sentenced in 1978 on charges of second degree murder, kidnapping, and weapon offenses. Given the age of Haug's convictions, his case is not part of the Superior Court's computerized docketing system. While Haug filed a motion entitled "Motion for Correction of Illegal Sentence" on January 8, 2007, the motion, in fact, did not seek correction of

his sentence. Instead, Haug requested the Superior Court to determine the status of a postconviction motion he claims to have filed in 1999 and to address the arguments contained in his 1999 motion.

(3) In the first instance, it is clear that Haug's motion below did not seek correction of an illegal sentence and thus was inappropriate under Superior Court Criminal Rule 35(a).¹ Moreover, even if Haug's motion was viewed as a motion to correct the record under Superior Court Criminal Rule 36 to reflect the filing of his 1999 postconviction motion, the Superior Court's denial of Haug's motion still may be affirmed. Assuming without deciding that the Superior Court failed to docket and address the postconviction motion Haug claims to have filed in 1999, it is manifest that Haug was not entitled to postconviction relief. His motion was untimely in 1999, and Haug failed to overcome that procedural hurdle.²

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998)

² *See Boyer v. State*, 562 A.2d 1186, 1188 (Del. 1989).