

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMIN GUY,	§
	§
Defendant Below-	§ No. 275, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID. 9601006647
Plaintiff Below-	§
Appellee.	§

Submitted: August 25, 2006

Decided: October 19, 2006

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

**ORDER**

This 19<sup>th</sup> day of October 2006, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The appellant, Amin Guy, filed this appeal from the Superior Court's denial of his motion for correction of sentence. Guy contends that he is entitled to be credited with time served for nearly three years he erroneously spent at liberty. We find no merit to Guy's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that Guy was indicted in 1996 on charges of first degree robbery, assault, reckless endangering, conspiracy, and a firearm offense. He pled guilty in June 1998 to second degree robbery and the firearm offense.

Before the Superior Court sentenced him, Guy was picked up by Pennsylvania authorities for violating parole. He remained incarcerated in Pennsylvania until January 2000. From January 2000 to January 2003, Guy was at liberty. In January 2003, he was arrested by federal authorities and sentenced to serve 36 months imprisonment. He completed that sentence in a federal prison in New Jersey and, upon completion, was held by New Jersey authorities pending his extradition to Delaware for sentencing on his 1998 guilty plea. On December 16, 2005, the Superior Court sentenced Guy to a total mandatory term of three years at Level V incarceration.

(3) Guy did not appeal from his 2005 sentencing. Instead, on February 24, 2006, he filed a motion for correction or reduction of sentence. Guy asserted that, while he was incarcerated in Pennsylvania for violating parole, he filed a petition, pursuant to the Interstate Agreement on Detainers (IAD), requesting Delaware authorities to take action on his case. Guy argued that his erroneous release from custody in Pennsylvania, without being returned to Delaware to face sentencing, should be attributed to Delaware authorities for their failure to take action under the IAD to secure his detention. Consequently, Guy argues, because he was erroneously released from custody and spent three years at liberty, those three years should be counted as time served toward his three-year Superior Court sentence.

(4) The Superior Court denied Guy's motion on two alternative grounds. First, there was no record of Guy ever having made a request for Delaware authorities to take action under the IAD. Second, the IAD was inapplicable under the circumstances because Guy's charges in Delaware already had been resolved by guilty plea.

(5) We find this decision manifestly correct. The purpose of the IAD is "to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, information or complaints"<sup>1</sup> in order to avoid speedy trial issues. The IAD does not apply under the current circumstances to Guy, whose charges already had been resolved by guilty plea. Moreover, even if the IAD did apply, there is no record that Guy ever properly filed a request with Delaware authorities for final disposition of his charges under the IAD.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>1</sup> 11 Del. C. § 2540.