

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM TATEM, JR.,	§
	§
Defendant Below-	§ No. 278, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 84006375DI
Plaintiff Below-	§
Appellee.	§

Submitted: October 13, 2006  
Decided: December 11, 2006

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

**ORDER**

This 11<sup>th</sup> day of December 2006, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The defendant-appellant, William Tatem, filed this appeal from the Superior Court's denial of his motion for modification of sentence. The record reflects that Tatem was convicted in 1984 of rape, kidnapping, and two weapon offenses and was sentenced to two life terms plus six years imprisonment. In 2006, Tatem filed a motion requesting a reduction of his sentence based on his efforts at rehabilitation and also based on the General Assembly's revision of the sexual offenses statutes in 1986 and its subsequent adoption of the Truth in Sentencing Act. The Superior Court

denied Tatem's motion. We find no error; thus we affirm the Superior Court's judgment on appeal.

(2) Superior Court Criminal Rule 35(b) provides that the Superior Court will consider a motion for reduction of sentence that is filed more than 90 days after sentencing "only in extraordinary circumstances or pursuant to 11 Del. C. § 4217."<sup>1</sup> Neither Tatem's rehabilitative efforts nor the General Assembly's revision of the rape statutes and subsequent adoption of the Truth in Sentencing Act constitute "extraordinary circumstances" to warrant a modification of Tatem's sentence.<sup>2</sup>

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

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>1</sup> Del. Super. Ct. Crim. R. 35(b). Section 4217 of Title 11 of the Delaware Code, which permits the Department of Correction to request a modification of sentence on a defendant's behalf, is inapplicable in Tatem's case.

<sup>2</sup> See *Allen v. State*, 2002 WL 31796351 (Del. Dec. 11, 2002) (holding that a commendable prison record does not constitute extraordinary circumstances); *Robinson v. State*, 584 A.2d 1203, 1205 (Del. 1990) (holding that the Truth in Sentencing Act does not apply retroactively).