

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

STATE OF DELAWARE,)	
)	ID. No. 8404000035
v.)	
)	
LYTE O. ADAMS,)	
)	
Defendant.)	

Submitted: June 16, 2010
Decided: July 23, 2010

Debra J. Weaver, Esq., Department of Justice, Dover, Delaware. Attorney for State.

Lyte O. Adams, *Pro Se*.

*Upon Consideration of Defendant's Petition to
Superior Court for Permanent Relief*
DENIED

VAUGHN, President Judge

ORDER

Upon consideration of the defendant's petition to the Court to grant relief from registration requirements, the State's opposition thereto, and the record of the case, it appears that:

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1. The defendant plead guilty to Second Degree Rape, in violation of 11 *Del. C.* § 772, on August 31, 1984. On December 14, 1984, he was sentenced to six years imprisonment which was suspended after serving four years, followed by two years of probation. He completed his probation on August 29, 1990.

2. Delaware’s Sex Offender Registration Statute, 11 *Del. C.* § 4120 *et seq.*, has been amended numerous times since its June 27, 1994 inception.¹ Prior to 2008, a person convicted after June 27, 1994 was required to register as a sex offender; but the defendant, whose conviction was prior to that date, was not required to register.

3. On July 16, 2008, the current version of Delaware’s Sex Offender Registration Statute became effective. This version replaced the phrase “convicted after June 27, 1994” with “who has been convicted.” The statute’s synopsis expresses a legislative intent to “require . . . sex offenders who were convicted of a sexual offense prior to the enactment of Megan’s Law to comply with the provisions under § 4120, Title 11 of the Delaware Code.”² Thus, the current version of § 4121(a)(4) defines a sex offender as “any person who is, or has been: a. Convicted of any of the offenses specified in §§ 765 through 780”³ As a result, the defendant is now included within the definition of sex offender and must register.

4. The defendant was notified by the State on February 4, 2010 that he is

¹ This statute is commonly referred to as “Megan’s Law.” The federal version of the statute is commonly referred to as the “Adam Walsh Act.”

² 76 Del. Laws ch. 374 (2008).

³ 11 *Del. C.* § 4121(a)(4).

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required to register as a sex offender. To date, the defendant has not registered, nor has he been assigned to a tier. A hearing to determine the defendant's assigned tier level has been scheduled for August 24, 2010 before the Board of Parole.

5. The defendant requests that the Court relieve him from the registration and tier designation requirements pursuant to § 4121(e)(2)(a-e). The registration and tier designation requirements are required by statute. Delaware's Sex Offender Registration Statute does not contain any provision which allows the court to excuse one from registration and designation requirements.

6. Section 4121(e)(2)(a-e) permits designated sex offenders to petition the court for re-designation to a lower risk assessment tier. Since the defendant has not yet been assigned a risk assessment tier, he cannot seek relief under the aforementioned provision at this time.

7. For the aforementioned reasons, the defendant's motion is hereby *denied*.

IT IS SO ORDERED.

/s/ James T. Vaughn, Jr.

President Judge

oc: Prothonotary
cc: Debra J. Weaver, Esq.
Mr. Lyte O. Adams
File