

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

T. Henley Graves  
*Resident Judge*

SUSSEX COUNTY COURTHOUSE  
THE CIRCLE  
P.O. BOX 746  
GEORGETOWN, DE 19947  
(302) 856-5257

May 17, 2004

C600  
Dwight F. Holden, Chairperson  
Board of Parole  
Carvel State Office Building, 5<sup>th</sup> Floor  
820 North French Street  
Wilmington, DE 19801

**RE: Sentence Modification Application - Stephen A. Clemons  
Defendant ID No. 0104007691**

Dear Mr. Holden:

The 11 Del. C. §4217 application on behalf of Mr. Clemons was received on April 13, 2004. I apologize for the delay in getting back to you; but he had also corresponded with the Court, and his file had been pulled to address his correspondence.

The recommendation from the Board is that his sentence should be modified to suspend the balance of his Level 5 incarceration and permit the defendant to go to Level 4 CREST. I am somewhat puzzled by this application and am sure the defendant would oppose it as it makes his current sentence more onerous. Effective September 24, 2001, the defendant received a six year period of incarceration, suspended after three years for Level 3 probation. He reports he will max out the three years on May 29, 2004. I am not inclined to take a few weeks off his Level 5 portion of the sentence and then impose six months of CREST, when that was not included in the original Order.

The petition pursuant to 11 Del. C. §4217 is denied.

**IT IS SO ORDERED.**

Yours very truly,

T. Henley Graves

THG:baj

cc: The Honorable William C. Carpenter, Jr.  
Adam D. Gelof, Esquire  
Stephen A. Clemons  
Prothonotary