

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

November 10, 2005

Norman E. Deshields

Sussex Correctional Institution
P. O. Box 500
Georgetown, DE 19947

**RE: Defendant ID No. 9505010380
Robbery in the Second Degree Criminal Action No. 95-07-0214**

Dear Mr. Deshields:

You have recently filed a Motion for Correction of an Illegal Sentence concerning the sentence you received on May 8, 1998 as to robbery in the 2nd degree. You were sentenced on that day as a habitual offender and received 20 years incarceration.

The history of your case is interesting and noteworthy. In your first trial, you were convicted of robbery in the 1st degree but Judge William C. Carpenter, Jr. granted your application for a new trial. In your second trial, you were convicted and upon application of the State and a presentence investigation determined to be a habitual offender and sentenced to life imprisonment by Judge William Swain Lee. That conviction was reversed by the Delaware Supreme Court.

Approximately a week before your third trial, you elected to enter into a guilty plea to robbery in the 2nd degree but with the habitual offender statute being applicable. A specific sentence of twenty years was negotiated.

In your present Motion for Correction of an Illegal Sentence, you allege that there is an insufficient record for you to have been declared an habitual offender. You complain that the transcript reflects that it was your attorney who waived your right to have a full hearing on the habitual offender motion. Further you say it was your attorney who acknowledged that you were an habitual offender. And, finally, when I stated "Is that part of the deal?", it was your attorney who stated "yes". Your attorney can speak for you, but that is mooted by the fact that the plea agreement,

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a copy of which is enclosed herein, was signed by you. That plea agreement which you signed and as part of the plea record fully sets forth that you are an habitual offender and that you stipulate to a sentence of 20 years pursuant to 11 Del. C. §4214(a).

Based upon the transcript, the file, and most importantly your plea agreement, I find that your Motion for Correction of an Illegal Sentence has no merit and it is denied.

IT IS SO ORDERED.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary
Department of Justice