

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARRELL RICKETTS,	§
	§
Defendant Below-	§ No. 624, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 84000467DI
Plaintiff Below-	§
Appellee.	§

Submitted: December 26, 2007

Decided: March 17, 2008

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

ORDER

This 17th day of March 2008, upon consideration of appellant's opening brief and the State's motion to affirm, it appears to the Court that:

(1) The appellant, Darrell Ricketts, filed this appeal from the Superior Court's denial of his motion for correction of sentence. The State of Delaware moved to affirm the judgment below on the ground that it is manifest on the face of Ricketts' opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that, in 1983, Ricketts was convicted of first degree rape and sentenced to a term of life imprisonment. Under the statute existing at the time of his sentencing, the first twenty years of Ricketts' life

sentence was a minimum mandatory term, during which time he was not eligible for suspension, probation, or parole.¹ His conviction and sentence were affirmed on direct appeal.²

(3) In November 2007, Ricketts filed a motion seeking correction of his sentence. While it is not entirely clear, Ricketts appeared to argue that his sentence was illegal due to the ex post facto application of this Court's decision in *Evans v. State*,³ which allegedly caused an increase in his sentence by prohibiting the reduction of his sentence by good time in order to achieve conditional release.⁴ The Superior Court denied Ricketts' motion, and this appeal ensued.

(4) Having considered the parties' respective positions on appeal, we find it manifest that the judgment below should be affirmed because Ricketts is not entitled to a correction of his sentence. Ricketts was sentenced to a life term in 1984, prior to the 1989 Truth in Sentencing Act. As such, Ricketts is not, and never was, entitled to conditional release.⁵ The decision in *Evans* did not have the effect of increasing Ricketts' sentence.

¹ See Del. Code Ann. tit. 11, § 4209A (Cum. Supp. 1982).

² *Ricketts v. State*, 488 A.2d 856 (Del. 1985).

³ *Evans v. State*, 872 A.2d 539 (Del. 2005).

⁴ See Del. Code Ann. tit. 11, § 4348 (2007).

⁵ *Jackson v. Multi-Purpose Criminal Justice Facility*, 700 A.2d 1206, 1207 (Del. 1997).

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

BY THE COURT:

/s/ Randy J. Holland
Justice