

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARK A. DRUMMOND,	§
	§
Defendant Below-	§ No. 86, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr.A. No. S96-01-012-01
Plaintiff Below-	§
Appellee.	§

Submitted: July 26, 2002

Decided: August 28, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices

ORDER

This 28th day of August 2002, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Mark A. Drummond, filed this appeal from the Superior Court's corrected sentencing order dated January 25, 2002.

We find no merit to the appeal. Accordingly, we **AFFIRM**.

(2) In this appeal, Drummond claims that the Superior Court erred when it corrected his sentence on January 25, 2002 because it did not include in

that sentence a 6-month probationary transition period, as mandated by statute.¹

(3) In March 1996, Drummond pleaded guilty in Sussex County Superior Court to a charge of Escape After Conviction. He was declared an habitual offender. In July 1996 the Superior Court sentenced Drummond to 15 years incarceration at Level V, to be suspended after 8 years and completion of the New Hope Program for 18 months at Level III, followed by 5 years at Level II. In October 1996, Drummond pleaded guilty to additional criminal charges in New Castle County Superior Court. He was sentenced to a total of 27 years incarceration at Level V, to be followed by 6 months at Level IV work release, then 4 years and 6 months at Level III probation.

¹DEL. CODE ANN. tit. 11, § 4204(l) (2001).

(4) On January 25, 2002, the Sussex County Superior Court corrected Drummond's March 1996 sentence by reducing it to 8 years incarceration at Level V.² The hearing transcript reflects that the Sussex County Superior Court did not add a 6-month probationary transition period because Drummond had been sentenced by the New Castle County Superior Court in October 1996 to a lengthy Level V sentence and a lengthy period of probation that was substantially in excess of the mandatory 6-month period. Drummond did not object to the sentence imposed at the January 25, 2002 sentencing hearing.

(5) There was no plain error³ in the Superior Court's corrected sentence. The purpose of the 6-month probationary transition period is to assure that no incarcerated individual is returned directly to the community without any transition or follow-up supervision.⁴ Under the probationary portion of the sentence imposed by the New Castle County Superior Court, Drummond will serve substantially more than 6 months probation after he completes his

²The Superior Court determined that a correction was necessary because a portion of Drummond's original sentence had been suspended for probation in violation of the habitual offender statute. DEL. CODE ANN. tit. 11, § 4214(a) (2001).

³SUPR. CT. R. 8.

⁴*Nave v. State*, 783 A.2d 120, 122 (Del. 2001).

consecutive terms of Level V incarceration,⁵ thereby fulfilling the statutory requirements.

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

⁵*Faircloth v. State*, 522 A.2d 1268, 1272 (Del. 1987).