

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ARTHUR GOVAN,	§
	§
Defendant Below-	§ No. 256, 2003
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. Nos. IN92-10-1586 thru
	§ -1596
Plaintiff Below-	§ Cr. ID 92010166DI
Appellee.	§

Submitted: July 25, 2003
Decided: September 24, 2003

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

ORDER

This 24th day of September 2003, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The defendant-appellant, Arthur Govan, was convicted in June 1993 of multiple counts of first degree murder, weapon charges, and related offenses. The Superior Court sentenced Govan to four life terms of imprisonment without parole plus an additional 115 years imprisonment. His convictions and sentences were affirmed on direct appeal.¹ Govan also

¹ *Govan v. State*, Del. Supr., No. 363, 1993, Walsh, J. (Jan. 30, 1995).

has unsuccessfully sought postconviction relief.² In January 2003, Govan filed a motion for correction of sentence pursuant to Superior Court Criminal Rule 35(a). Govan argued in his motion that the sentences associated with his weapon convictions should be corrected to reflect that the sentences imposed were not minimum mandatory terms of incarceration. The Superior Court denied Govan's motion. This appeal ensued.

(2) After careful consideration, we find the Superior Court's denial of Govan's motion to be manifestly correct. We first note that the issue Govan raises regarding his sentences on the weapon offenses does not appear to be ripe for consideration in light of Govan's four life sentences without parole.³ More importantly, it is clear that Govan's contention lacks merit. At the time of his offenses, the weapon statute provided that a sentence pursuant to that statute "shall not be subject to suspension and no person convicted for a violation of this section shall be eligible for parole or probation. . . ."⁴ That language had been interpreted to require a minimum

² See *Govan v. State*, Del. Supr., No. 11, 1996, Holland, J. (Feb. 5, 1996).

³ Govan must serve his four life sentences before he begins serving the sentences on the weapon convictions. Thus, Govan's argument about the minimum mandatory designation of those sentences does not appear to present an "actual controversy" because Govan is unlikely ever to serve those sentences. Unless he can establish that the minimum mandatory designation has some current impact on him, Delaware courts are not required to expend judicial resources to answer questions that have no significant current impact. See *Stroud v. Milliken Enterprises, Inc.*, 552 A.2d 476, 480 (Del. 1989).

⁴ DEL. CODE ANN. tit. 11, § 1447(b) (Repl. 1987).

mandatory term of incarceration, an interpretation that was not altered by subsequent legislation.⁵ Thus, at the time of his sentencing, the minimum mandatory designation was entirely correct. Accordingly, the Superior Court did not err in denying Govan's motion for correction of sentence.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

⁵ See *Richmond v. State*, 446 A.2d 1091, 1094-95 (Del. 1982) (citing *Woodward v. Department of Correction*, 415 A.2d 782, 785 (Del. Super. 1980)).