

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY R. ADAMS, JR.,	§
	§
Defendant Below-	§ No. 563, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID. No. 0001005610
Plaintiff Below-	§
Appellee.	§

Submitted: March 21, 2003

Decided: April 14, 2003

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

ORDER

This 14th day of April 2003, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Jeffrey R. Adams, Jr., filed an appeal from the Superior Court's September 10, 2002 order denying his motion for credit for time served. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In April 2000, Adams was charged with Assault in the Second Degree and Possession of a Deadly Weapon by a Person Prohibited. He was arrested and held in lieu of bond. In April, 2001, Adams pleaded guilty to the assault and weapon charges and immediately was sentenced to a total of 3 years incarceration at Level V, with credit for time served, to be suspended after 1 year for probation.

Adams was released from prison two days later. Applying the credit he received for time served, Adams had completed the 1-year Level V sentence imposed for his assault and weapon convictions.

(3) In August 2001, Adams pleaded guilty to Attempted Robbery in the Second Degree and Possession of a Controlled Narcotic Substance and, in November 2001, was sentenced on those convictions. In July 2002, Adams moved for credit for time served, claiming that the time he spent in prison between April 2000 and April 2001 should be applied to his sentences on the robbery and drug convictions.

(4) A defendant must be given credit for all time previously served at Level V incarceration.¹ However, a defendant is not entitled to be credited twice for time previously served at Level V incarceration.²

(5) Adams' claim that credit for time served between April 2000 and April 2001 should be applied to his sentences on the robbery and drug convictions is without merit. The record reflects that the time Adams spent in prison between April 2000 and April 2001 was credited to his earlier assault and weapon charges. There was, therefore, no error or abuse of discretion on the part of the Superior Court in denying Adams' motion for credit for time served.

¹DEL. CODE ANN. tit. 11, § 3901(c); *Gamble v. State*, 728 A.2d 1171, 1172 (Del. 1999).

²*Wilson v. State*, Del. Supr., No. 139, 2000, Walsh, J. (Sept. 12, 2000).

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

BY THE COURT:

/s/ Myron T. Steele
Justice