

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LAMAR DOUGLAS,	§	
	§	No. 107, 2010
Defendant Below-	§	
Appellant,	§	Court Below: Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	I.D. No. 0608010093 and
	§	I.D. No. 0704029675
Plaintiff Below-	§	
Appellee.	§	

Submitted: May 18, 2010
Decided: August 18, 2010

Before **HOLLAND, JACOBS,** and **RIDGELY,** Justices.

ORDER

This 18th day of August 2010, it appears to the Court that:

(1) Defendant-below Lamar Douglas appeals from the Superior Court's order denying his motion to apply good time credit to his two mandatory sentences of possession with intent to deliver marijuana. We have determined there is no merit to the appeal. Accordingly, we affirm.

(2) On August 11, 2006 Lamar Douglas was arrested on numerous drug charges. While released on bail, he was arrested on additional drug offenses. On May 31, 2007, Douglas pled guilty to two counts of possession with intent to deliver marijuana, and one count each of possession of a firearm during the commission of a felony, possession of a firearm by a person prohibited, and

endangering the welfare of a child. Pursuant to title 16, section 4763(a)(2) of the Delaware Code, Douglas received two three-year minimum mandatory sentences for possession with intent to deliver convictions.

(3) Douglas argues that he is entitled to good time credits on his two three-year minimum mandatory sentences pursuant to 11 *Del. C.* § 4381(a). The Superior Court rejected Douglas' argument on the basis that good time credits may not be applied to a minimum mandatory term of imprisonment. In Delaware, good time is an administrative device that provides for an inmate's early release from imprisonment.¹ "[E]ntitlement to [good time] credits is implicitly denied to prisoners serving minimum mandatory sentences."² Although the General Assembly has recently changed Section 4381 to allow good time credits for certain mandatory sentences, it has expressly excluded sentences imposed prior to the enactment of this amendment, which occurred on July 15, 2010.³ The Superior Court did not err when it denied Douglas' motion to apply good time credit to his mandatory sentences.

¹ *Synder v. Andrews*, 708 A.2d 237, 242 (Del. 1998).

² *Watson v. Burgan*, 610 A.2d 1364, 1367 (Del. 1992) (citing *Richmond v. State*, 446 A.2d 1091 (Del. 1982)); *Serpa v. State*, 2009 WL 2942882 (Del. Sept. 15, 2009).

³ On July 15, 2010, the Governor signed into law SB 320 which allows good time credits for all sentences, other than a life sentence, imposed for any offense pursuant to any provision of Title 11, Title 16 and/or Title 21 of the Delaware Code. SB 320 expressly provides that "[t]he awarding of good time credit . . . will not apply to sentences imposed pursuant to 11 *Del. C.* §4214 or 11 *Del. C.* §4204(k) or to sentences imposed prior to the enactment of this statute." (Emphasis added).

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

BY THE COURT:

/s/Henry duPont Ridgely
Justice