

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID GRANT,	§
	§ No. 255, 2010
Defendant Below,	§
Appellant,	§ Court Below – Family Court
	§ of the State of Delaware
v.	§ in and for New Castle County
	§ Cr. I.D. 0912006822
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: November 3, 2010
Decided: December 20, 2010

Before **STEELE**, Chief Justice, **HOLLAND**, **BERGER** and **RIDGELY**,
Justices, and **WITHAM**, Judge,¹ constituting the Court *en Banc*

ORDER

On this 20th day of December 2010, it appears to the Court that:

(1) On February 16, 2010, the defendant-appellant, David Grant (“Grant”) pled guilty to Rape in the Fourth Degree, a felony. Grant was a juvenile at the time of the offense and the victim was his three-year-old cousin. Prior to sentencing, defense counsel presented the State and the Family Court with a petition for a certificate of reasonable doubt seeking a stay in registration on the basis that title 11, section 4121(d)(6) of the Delaware Code is ambiguous and vague and should be interpreted as read in

¹ Sitting by designation pursuant to Del. Const. art. IV, § 12 and Supr. Ct. R. 2 and 4.

favor of providing relief from registration for Grant. The Family Court denied the petition, indicating that Rape in the Fourth Degree is a Tier II sex offender offense, but granted a stay so that Grant would not be registered until the issues Grant raised were addressed by this Court in *Adams v. State*.²

(2) Grant appealed and his appeal was consolidated with *Adams v. State*. Today, in *Adams*, this Court decided that a felony-level offender is not eligible for relief from registration under title 11, section 4121(d)(6) of the Delaware Code because the language of the statute clearly states that only misdemeanor-level offenders are eligible for relief.³ Therefore, Grant, a felony-level offender, is not eligible for relief from registration.

NOW, THEREFORE, IT IS ORDERED that this matter is remanded to the Family Court for further proceedings in accordance with this Court's decision in *Adams*. Jurisdiction is not retained.

BY THE COURT:

/s/ Randy J. Holland
Justice

² *Adams v. State*, 124, 2010 (Del. 2010).

³ *See id.*