

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH M. WALLS,	§	
	§	No. 137, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 86013001DI
Appellee.	§	

Submitted: September 24, 2010

Decided: December 28, 2010

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 28<sup>th</sup> day of December 2010, upon consideration of the briefs on appeal and the Superior Court record, it appears to the Court that:

(1) In 1986, a Superior Court jury convicted the appellant, Joseph M. Walls, of numerous criminal offenses, including Possession of a Deadly Weapon During the Commission of a Felony (PDWDCF). Walls is serving a lengthy prison sentence for those convictions, including “fifteen (15) years mandatory beginning June 15, 1987” for PDWDCF.<sup>1</sup>

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<sup>1</sup> *State v. Walls*, Del. Super., Cr. ID No. 86013001DI, Martin, J. (March 8, 1988) (sentencing).

(2) On December 7, 2009, Walls filed a motion for correction of illegal sentence pursuant to Superior Court Criminal Rule 35(a) (“Rule 35(a)”). Walls alleged that he is entitled to the application of good time credit to the fifteen-year sentence imposed for PDWDCF.

(3) By order dated February 26, 2010, the Superior Court denied Walls’ motion. This appeal followed. After careful consideration of the parties’ positions on appeal, we have concluded that the denial of Walls’ motion should be affirmed.

(4) As held by the Superior Court when denying the motion under Rule 35(a), Walls’ claim in essence relates to the Department of Correction’s application of good time credits. We have held that a writ of mandamus filed in the Superior Court (and not a motion under Rule 35(a)) is the proper procedural vehicle to challenge the Department of Correction’s calculation or application of good time credit.<sup>2</sup>

(5) Walls’ argument that the Superior Court lacked the statutory authority to make the fifteen-year sentence “mandatory” is without merit. At the time of Walls’ offense, the statute governing PDWDCF provided that

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<sup>2</sup> *Bruno v. State*, 2010 WL 1227049 (Del. Supr.).

“[n]o person convicted for a violation of this section shall be eligible for parole or probation during the period of the sentence imposed.”<sup>3</sup>

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

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>3</sup>Del. Code Ann. tit. 11, § 1447(b) (Supp. 1986) (amended 2001).