

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANA WILLIAMS,	§
	§ No. 19, 2011
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
	§ for New Castle County
STATE OF DELAWARE,	§ Cr. ID Nos. 9510004645
	§ 9511017952
Plaintiff Below-	§ 0109001783
Appellee.	§

Submitted: June 16, 2011

Decided: June 30, 2011

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

ORDER

This 30th day of June 2011, it appears to the Court that:

(1) The plaintiff-appellee, the State of Delaware, has moved to dismiss this appeal. For the reasons that follow, we conclude that the motion to dismiss should be granted.

(2) The defendant-appellant, Dana Williams, appealed from the Superior Court's December 2010 violation of probation ("VOP") sentences in connection with three separate criminal matters---his conviction of Assault in the Second Degree in 1996, his convictions of Stalking and Non-Compliance with Bond Conditions in 1999 and his convictions of Assault in a Detention Facility and Criminal Mischief in 2003. The Superior Court

imposed VOP sentences in those matters as follows: 3 years at Level V, to be suspended for 3 years at Level IV, in turn to be suspended after 1 year for 1 year at Level III on the assault conviction; 1 year at Level V on the conviction of non-compliance with bond conditions; 30 days at Level V on the criminal mischief conviction; and probation as previously imposed on the conviction of assault in a detention facility.

(3) In this appeal from the Superior Court's VOP sentences, Williams claims that there was insufficient evidence presented at the hearing to support the Superior Court's finding of a VOP and that the Superior Court abused its discretion in imposing his VOP sentences.¹

(4) The record before us reflects that, in his notice of appeal filed on January 13, 2011, Williams designated the transcript of the December 2010 VOP hearing. By letter on that same date, the Clerk explicitly instructed Williams either to file in the Superior Court a request for transcript at State expense or arrange with the court reporter for payment of the transcript cost no later than January 27, 2011. The Supreme Court docket reflects that Williams took no steps to obtain the transcript.²

¹ Williams presents no substantive arguments in support of his claims.

² Our independent review of the Superior Court dockets in Williams' three criminal matters also reflects that Williams failed to request the Superior Court to furnish him with the VOP hearing transcript at State expense, as instructed by the Clerk.

(5) It is well-established that this Court will not review legal issues on appeal that are not fully and fairly presented in the appellant's opening brief.³ The Rules of this Court require the appellant to designate and order for transcription those portions of the proceedings that are relevant to the claims made on appeal,⁴ and to include in the opening appendix those portions of the transcript of the proceedings below as are necessary to give the Court a fair and accurate account of the context in which the claimed error occurred.⁵ Williams' failure to include the hearing transcript with his appeal precludes our appellate review of his claims.⁶ As such, his appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

³ *Proctor v. Bunting*, 797 A.2d 671, 672 (Del. 2002) (citing *Murphy v. State*, 632 A.2d 1150, 1152 (Del. 1993)).

⁴ Supr. Ct. R. 9(e) (ii).

⁵ Supr. Ct. R. 14(e).

⁶ *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987).