

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|---|-----------------------------|
| ORRIN H. DANIELS, | § | |
| | § | No. 330, 2000 |
| Defendant Below, | § | |
| Appellant, | § | |
| | § | |
| v. | § | Court Below: Superior Court |
| | § | of the State of Delaware |
| STATE OF DELAWARE, | § | in and for Sussex County |
| | § | CrA. Nos. 00-01-0035 |
| Plaintiff Below, | § | through 0037 |
| Appellee. | § | |

Submitted: May 22, 2001

Decided: July 30, 2001

Before **VEASEY**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 30th day of July, 2001, on consideration of the briefs of the parties, it appears to the Court that:

1) Orrin H. Daniels appeals the sentence he received after being convicted of escape after conviction. The Superior Court sentenced him to eight years at Level V, suspended after three years and successful completion of the Key Program for twelve months at Level IV Crest, suspended after successful completion of Crest for four and one-half years at Level III Crest After Care. Daniels argues that the trial court mistakenly assumed that the escape conviction was a Class B felony when it was a Class D felony.

2) Since the Superior Court never expressly ruled whether the escape conviction was a Class B or a Class D felony, this Court remanded the matter for a factual determination of that issue. The Superior Court determined that it was a Class D felony and stated that it had been the court's intent to treat the conviction as a Class D felony at the time of sentencing.

3) Daniels argues that his sentence was more severe than the offense required and that the trial court abused its discretion. This argument lacks merit. It is settled law that "[a]ppellate review of a sentence generally ends upon determination that the sentence is within the statutory limits prescribed by the legislature."¹ There is nothing in the record to suggest that the trial court relied on inaccurate or unreliable information or otherwise abused its discretion.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹*Ward v. State*, Del. Supr., 567 A.2d 1296, 1297 (1989).