

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN WING,	§
	§ No. 553, 2013
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID 1207010736
	§
Plaintiff Below-	§
Appellee.	

Submitted: October 29, 2014  
Decided: November 3, 2014

Before **STRINE**, Chief Justice, **RIDGELY**, and **VALIHURA**, Justices.

**ORDER**

This 3<sup>rd</sup> day of November 2014, upon consideration of the appellant's motion to remand, the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Benjamin Wing, filed this appeal from the Superior Court's order sentencing him to five years at Level V imprisonment following his conviction for drug dealing. Wing's sole argument on appeal is that the Superior Court did not sufficiently question him prior to his waiver of counsel in order to determine whether the waiver was knowing and intelligent.

(2) In its answering brief, the State, commendably, concedes that the Superior Court did not conduct the searching inquiry required by federal and state law prior to allowing Wing to waive his right to counsel.

(3) In response to the State's answering brief, Wing has filed a motion requesting the Court to reverse his conviction, reinstate bail, and remand the matter for a new trial. The State consents to the requested relief. We agree that the requested relief is appropriate under the circumstances.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is REVERSED. This matter is REMANDED to the Superior Court to vacate Wing's conviction, to reinstate bail, and to set a new trial date. Jurisdiction is not retained.

BY THE COURT:

/s/ Karen L. Valihura  
Justice