

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARLTON KILSON,	§	
	§	No. 689, 2013
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware,
v.	§	in and for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 1302018916
	§	
Plaintiff Below	§	
Appellee.	§	

Submitted: April 23, 2014

Decided: April 30, 2014

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

ORDER

This 30th day of April 2014, upon consideration of the motion to remand filed by the appellee, State of Delaware, and the appellant's consent to the motion, it appears to the Court that:

1. In April 2013, a grand jury indicted the appellant, Carlton Kilson, on Assault in the Second Degree, Possession of a Deadly Weapon During the Commission of a Felony, and Terroristic Threatening. On October 4, 2013, the jury found Kilson guilty of the three charged offenses. On December 13, 2013, the Superior Court sentenced Kilson to an aggregate of 12 years in prison, suspended after 8 years for decreasing levels of supervision.

2. On appeal, Kilson alleges that the Superior Court committed plain error by instructing the jury that he was required to prove self defense by a preponderance of the evidence. With commendable candor, the State concedes the error and suggests that the appropriate relief is to reverse and remand with directions to the Superior Court to vacate Kilson's convictions, conduct a new bail hearing, and schedule a date for a new trial.

NOW, THEREFORE, IT IS ORDERED that the State motion to remand is GRANTED. The Superior Court is directed to vacate Kilson's convictions, conduct a new bail hearing and schedule a date for a new trial. Jurisdiction is not retained.

BY THE COURT:

/s/ Jack B. Jacobs
Justice