

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARK A. DRUMMOND,	§
	§
Defendant Below-	§ No. 688, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. Nos. IN96-01-0681, -0688,
	§ and -0692
Plaintiff Below-	§ Cr. ID 9512013514
Appellee.	§

Submitted: April 25, 2003

Decided: June 10, 2003

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

ORDER

This 10th day of June 2003, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The defendant-appellant, Mark Drummond, filed this appeal from the Superior Court's order denying his motion for correction of sentence. We find no merit to Drummond's appeal. Accordingly, we affirm.

(2) The record reflects that Drummond pled guilty in 1996 to aggravating menacing, second degree assault, and possession of a firearm during the commission of a felony. Drummond was declared an habitual offender. The Superior Court sentenced him on the aggravating menacing charge as an habitual offender to 18 years imprisonment. Additionally, the Superior Court sentenced

Drummond to six years imprisonment on the weapon charge and to eight years imprisonment, suspended after three years, on the assault charge. Since that time, Drummond has filed several unsuccessful motions to correct or modify his sentence. Drummond filed his latest motion for correction of sentence in November 2002, which the Superior Court denied.

(3) The gist of Drummond's argument on appeal is that his six-year sentence on the weapon charge violates Delaware law, which provides that a person convicted under the weapon statute "shall receive a minimum sentence of 3 years. . . ." ¹ According to Drummond, the Superior Court was authorized to impose a three-year sentence and nothing more. The Superior Court rejected Drummond's motion on the ground that the weapon statute set the minimum length of the sentence to be imposed but did not prohibit the sentencing court from imposing more than the three-year minimum.

(4) Having carefully considered the parties' respective positions, we find it manifest that the judgment of the Superior Court should be affirmed. Section 1447A(b) does not, as Drummond contends, provide for a mandatory, fixed three-year sentence. Drummond's interpretation fails to give effect to the statute's use of the term "minimum." As the Superior Court properly found, the phrase "minimum sentence of 3 years" requires the Superior Court to impose at least a three-year

¹ DEL. CODE ANN. tit. 11, § 1447A(b) (2001).

sentence but does not prohibit the Superior Court from imposing a lengthier sentence. Accordingly, the Superior Court did not err or abuse its discretion in denying Drummond's motion for correction of sentence.

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

BY THE COURT:

/s/ Myron T. Steele
Justice