

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CORNELIUS A. BRIDDELL,	§
	§
Defendant Below-	§ No. 399, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr.A. No. IS00-11-0007
	§ Cr. ID 0010014962
Plaintiff Below-	§
Appellee.	§

Submitted: September 26, 2002
Decided: November 6, 2002

Before **WALSH, HOLLAND, and BERGER**, Justices.

ORDER

This 6th day of November 2002, upon consideration of the appellant's opening brief and the State's motion to affirm, it appears to the Court that:

(1) The defendant-appellant, Cornelius Briddell, filed this appeal from the Superior Court's denial of his motion for modification of sentence. The State of Delaware has moved to affirm the Superior Court's judgment on the ground that it is manifest on the face of Briddell's opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Briddell pleaded guilty in January 2001 to one count of aggravated harassment and one count of simple harassment. The Superior Court, upon the State's motion, declared Briddell to be an

habitual offender¹ and sentenced him to fifteen and a half years imprisonment, suspended after serving five years for ten and a half years of probation. At the time of sentencing on March 2, 2001, the Superior Court was aware that Briddell suffered from a blood disease.

(3) On March 9, 2001, Briddell's counsel filed a motion requesting a modification of sentence on the ground that Briddell also suffered from prostate cancer. Counsel argued that a sentence modification was necessary so that Briddell could receive proper treatment. Before receiving a response from the State, the Court denied Briddell's motion but noted that the Department of Correction (DOC) was responsible for providing Briddell with appropriate medical treatment. The Superior Court required the DOC to notify the court if it could not fulfill this duty. The Superior Court waived the time limitation under Superior Court Criminal Rule 35 for sentence modification motions in Briddell's case. Thereafter, the State wrote to the trial judge informing him that the documentation from the doctor purportedly treating Briddell for cancer, which was attached to the motion for sentence modification, was a forgery. In fact, the State asserted, Briddell did not suffer from cancer.

¹ DEL. CODE ANN. tit. 11, § 4214(a).

(4) Thereafter, Briddell filed ten separate pro se motions for modification of sentence. The Superior Court denied all of them. In April 2002, new counsel filed a motion for modification of sentence on Briddell's behalf. The Superior Court held an office conference regarding the motion, and denied the motion on May 2, 2002. Briddell did not appeal from the Superior Court's denial of any of his motions for modification of sentence. In fact, Briddell continued to file repetitive motions in the Superior Court. On July 8, 2002, the Superior Court denied Briddell's thirteenth motion for modification of sentence. The Superior Court again informed Briddell that it would not consider modifying his sentence absent written notification from the DOC that the DOC could not meet Briddell's medical needs. Briddell now appeals that ruling.

(5) Having carefully considered the parties' respective positions, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated July 8, 2002. The Superior Court did not abuse its discretion in denying Briddell's repetitive motion on the ground that Briddell had failed to provide the necessary documentation to establish that the DOC could not adequately

meet Briddell's medical needs. The Superior Court is not required to consider repetitive requests for modification of sentence.²

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

BY THE COURT:

/s/ Randy J. Holland
Justice

² DEL. SUPER. CT. CRIM. R. 35(b).