

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM A. HOLLIS,	§
	§
Defendant Below-	§ No. 87, 2003
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN94-09-0215;0218;
Plaintiff Below-	§ 0220;1228
Appellee.	§

Submitted: April 2, 2003

Decided: May 27, 2003

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

**ORDER**

This 27<sup>th</sup> day of May 2003, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The defendant-appellant, William A. Hollis, filed an appeal from the Superior Court's January 21, 2003 order denying his motion for reduction of sentence pursuant to Superior Court Criminal Rule 35(b). The plaintiff-appellee, the State of Delaware, has moved to affirm the judgment of the Superior Court on

the ground that it is manifest on the face of Hollis' opening brief that the appeal is without merit.<sup>1</sup> We agree and AFFIRM.

(2) In September 1994, Hollis was charged with multiple robbery and weapon offenses. In February 1995, Hollis pleaded guilty to four counts of Robbery in the First Degree and the remaining charges were dismissed. In his plea agreement, Hollis agreed that he was eligible for sentencing as an habitual offender.<sup>2</sup> In April 1995, the Superior Court sentenced Hollis as an habitual offender to a total of 21 years incarceration at Level V, to be suspended after 12 years for decreasing levels of probation. The Superior Court denied Hollis' motions for sentence reduction once in 1995 and twice in 2002. The most recent denial resulted in the instant appeal.

(3) In his appeal, Hollis claims that: a) the Superior Court's denial of his motion on the basis of his "lengthy criminal history" constituted an abuse of discretion because there was no evidence of his prior record presented at the guilty plea hearing; and b) the Superior Court's order denying his motion improperly failed to set forth the criteria necessary to succeed on a motion for sentence reduction.

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<sup>1</sup>SUPR. CT. R. 25(a).

<sup>2</sup>DEL. CODE ANN. tit. 11, § 4214(a).

(4) Hollis’ appeal is unavailing. We find that the Superior Court did not abuse its discretion when it denied Hollis’ third motion for sentence reduction, although we affirm the denial on grounds different from those articulated by the Superior Court.<sup>3</sup> As a procedural matter, Hollis’ motion was untimely and he failed to demonstrate any “extraordinary circumstances” justifying consideration of the motion.<sup>4</sup> Moreover, Hollis’ motion was repetitive, which also precluded its consideration by the Superior Court.<sup>5</sup> Hollis, finally, has provided no legal authority for his claim that the Superior Court’s order should have included the criteria for a successful motion for sentence reduction.

(5) It is manifest on the face of Hollis’ opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, clearly there was no abuse of discretion.

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<sup>3</sup>*Unitrin, Inc. v. Am. Gen. Corp.*, 651 A.2d 1361, 1390 (Del. 1995).

<sup>4</sup>SUPER. CT. CRIM. R. 35(b).

<sup>5</sup>*Id.*

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele  
Justice