

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DUANE ROLLINS,	§
	§ No. 662, 2013
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1212010904
Plaintiff Below-	§
Appellee.	§

Submitted: March 6, 2014
Decided: March 19, 2014

Before **HOLLAND, BERGER, and JACOBS**, Justices

ORDER

This 19th day of March 2014, upon consideration of the appellant's opening brief and the State's motion to remand, it appears to the Court that:

(1) The appellant, Duane Rollins, filed this appeal from a Superior Court sentencing order dated November 15, 2013. The Superior Court sentenced Rollins as a habitual offender following the entry of his guilty plea to two counts of Strangulation.

(2) In his opening brief on appeal, Rollins argues that the sentencing judge, as well as the prosecutor and defense counsel, mistakenly believed that Strangulation is statutorily categorized as a violent offense under the habitual offender statute. It is not. In its motion to remand, the State laudably concedes

error and requests that the matter be remanded to the Superior Court for resentencing. Under the circumstances, the Court agrees.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is VACATED, and this matter is REMANDED for resentencing. Jurisdiction is not retained.

BY THE COURT:

/s/ Carolyn Berger
Justice