

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM HAMMONS,	§	
	§	No. 387, 2002
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for New Castle County
	§	Cr. ID. No. 9809019760
Plaintiff Below,	§	
Appellee.	§	

Submitted: February 25, 2003
Decided: May 16, 2003

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

ORDER

This 16th day of May, 2003, on consideration of the briefs of the parties, it appears to the Court that:

1) William J. Hammons pled guilty to second degree rape, first degree unlawful imprisonment, and third degree assault. For the rape conviction, the trial court sentenced him to 20 years at Level V, and ordered that “[t]he first 10 years of this sentence is a mandatory term of incarceration pursuant to [11 *Del.C.* §772].”

2) Hammons argues on appeal that the trial court erred in sentencing him to a mandatory 10 year term, because he should be eligible to earn and receive good time credit. Neither the trial court nor the State disagrees with Hammons’ contention that

he is eligible for good time credit, and this Court, also, has upheld the interpretation urged by Hammons.¹

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹*Schmitz v. State*, Del. Supr., No. 226, 2002, Holland, J. (August 27, 2002).