

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM S. DAHL,	§	
	§	
Defendant Below-	§	No. 362, 2003
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	Cr. ID No. 9905002754
	§	
Plaintiff Below-	§	
Appellee.	§	

Submitted: January 30, 2004
Decided: March 2, 2004

Before **BERGER, STEELE** and **JACOBS**, Justices

ORDER

This 2nd day of March 2004, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, William S. Dahl, filed an appeal from the Superior Court's July 7, 2003 order denying his motion for correction of sentence pursuant to Superior Court Criminal Rule 35(a). We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In May 1999, Dahl was indicted on more than 20 charges of Dealing in Child Pornography. In October 1999, Dahl entered a plea of guilty to 10 counts of Dealing in Child Pornography and the State dismissed the remaining charges. On March 24, 2000, the Superior Court sentenced Dahl to a total of 12 years

incarceration at Level V, to be suspended after 3 years for 9 years probation. As a condition of probation, the Superior Court required Dahl to “have no contact with children or persons under 21 years of age.” In denying Dahl’s motion for sentence correction, the Superior Court stated that, once Dahl was placed on probation, his probation officer could review the contact prohibition in the sentencing order and request a modification, if appropriate at that time.

(3) In this appeal, Dahl claims that the Superior Court’s sentencing order is illegal because the contact prohibition violates his constitutional rights and interferes with his ability to interact with family members.

(4) Rule 35(a) permits the Superior Court to correct an illegal sentence “at any time.” The purpose of Rule 35 is to permit correction of an illegal sentence, not to re-examine errors occurring at the trial or other proceedings prior to the imposition of sentence.¹ A sentence is illegal when it exceeds the statutorily authorized limits or violates double jeopardy.² A sentence also is illegal if it is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to its substance, or is not authorized by the judgment of conviction.³

¹ *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).

² *Id.*

³ *Id.*

(5) Dahl does not contend that his sentences exceed the statutorily authorized limits, violate double jeopardy, or are ambiguous or contradictory. He, therefore, is not entitled to relief under Rule 35(a). To the extent Dahl claims that the Superior Court abused its discretion by adding the contact prohibition as a condition of probation, that claim is meritless. The Superior Court has discretion to impose special conditions of probation.⁴ Given the nature of Dahl's offenses, there is no evidence that the Superior Court abused its discretion in this case, particularly since it allowed for modification of the contact prohibition at the recommendation of his probation officer.

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

BY THE COURT:

/s/ Myron T. Steele
Justice

⁴ Del. Code Ann. tit. 11, § 4204(c) (6).