

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES STANLEY,	§	No. 477, 1998
	§	
Defendant Below,	§	Court Below—Superior Court of
Appellant,	§	the State of Delaware in and for
	§	New Castle County
v.	§	
	§	Cr. A. No. IN96-05-0966R1
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	
	§	

Submitted: December 15, 1999
Decided: February 18, 2000

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

ORDER

This 18TH day of February 2000, it appears to the Court that:

(1) By Order dated July 8, 1999, we remanded this case to the Superior Court for further proceedings. On remand, we requested the Superior Court to address the following questions: “(a) Which version of § 4214(a) did the Superior Court employ in Sentencing Stanley for the April 1996 Escape After Conviction? and (b) If the Superior Court sentenced Stanley pursuant to the amended version of §4214(a) effective July 1996, did such action violate the *ex post facto* clause of the

U.S. Constitution?” *Stanley v. State*, Del. Supr., No. 477, 1998, Veasey, C.J. (July 8, 1999), Order at 3 (citing *Miller v. Florida*, 482 U.S. 423, 430 (1997); *Lindsey v. Washington*, 301 U.S. 397 (1937)).

(2) Pursuant to this Court’s mandate, the Superior Court held an evidentiary hearing on August 23, 1999. Following the hearing, the Superior Court issued its findings and held that it sentenced Stanley under the previous version of the habitual offender statute. The Superior Court’s holding on this issue obviated the Court’s need to address the second question on remand. We conclude that the Superior Court made adequate findings to support its decision.

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

AFFIRMED.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice