

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. Henley Graves
Resident Judge

SUSSEX COUNTY COURTHOUSE
THE CIRCLE
P.O. BOX 746
GEORGETOWN, DE 19947
(302) 856-5257

February 17, 2004

E. Stephen Callaway, Esquire
Office of Public Defender
14 The Circle
Georgetown, DE 19947

Melanie C. Withers, Esquire
Department of Justice
114 East Market Street, #201
Georgetown, DE 19947

RE: Edward H. Briddelle
Defendant ID No. 0203007089

Dear Counsel:

This is the Court's decision on the Defendant's Motion for a Modification of Sentence.

On January 10, 2003, the Defendant was sentenced to a period of fifteen (15) years on the rape charge, and four (4) years on the kidnaping charge. This was a sentence of Level 5 incarceration and probation was to follow each of those sentences. This sentence arose from a negotiated plea of guilty but mentally ill. I note that the Court found the aforementioned negotiated sentence to be reasonable and imposed it.

Within a week of the sentence being imposed, the defense filed a Motion for Modification, asking that the Court not rule upon the Motion at that time, but to allow the Delaware Psychiatric Center to complete treatment of Mr. Briddelle and also await the results of other rehabilitative efforts. Defense counsel was worried that if the Motion for Modification was not filed within ninety (90) days, then the door would be shut for future action by the Court.

I advised counsel that I would undertake the unusual step of "parking" his Motion until February 1, 2004. If that Motion was not renewed, then it would be considered moot and dismissed without further action. Both Mr. Briddelle and his attorney filed Motions with the Court asking that I modify his sentence to the 12 year minimum mandatory as opposed to the aforementioned sentence. Defense reports that he is taking his medications as prescribed by his doctors and continues working on his mental health issues. He is also enrolled in Tempo and a GAD program. Finally, it is reported that he is active in the Lifers Group.

Upon reviewing the file, including the plea which was negotiated, I find the sentence imposed in January 2003 was reasonable and appropriate. I shall not modify the sentence. Nor shall I accept the invitation to "park" this case again for future action. There must be some finality to cases.

Pursuant to Superior Court Criminal Rule 35, the Court can consider an application made

E. Stephen Callaway, Esquire
Melanie C. Withers, Esquire
Page 2
February 17, 2004

after ninety (90) days from the imposition of sentence if there are extraordinary circumstances or if the application comes pursuant to 11 Del. C. §4217 (the Parole Board).

Therefore, the Court is not without jurisdiction to reconsider in the event of extraordinary circumstances.

Mr. Briddelle's Motion for Modification of Sentence is denied.

IT IS SO ORDERED.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary
Department of Justice