

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 N. KING STREET, SUITE 10400
WILMINGTON, DELAWARE 19801
(302) 255-0669

February 28, 2007

James A. Natalie, Jr., Esquire
Woloshin Lynch Natalie & Gagne, P.A.
3200 Concord Pike
Wilmington, DE 19803

Re: *State v. Bryan M. McClafferty*, ID# 0601021555

Dear Mr. Natalie:

Defendant's August 30, 2006 Motion for Modification is ***DENIED***, without prejudice. Consistent with *State v. Walls*,¹ the court will retain jurisdiction to consider a renewed motion after Defendant has served at least half of the Level V sentence imposed on June 9, 2006.

The court is offering no assurance that it will reduce Defendant's sentence. Defendant's motion was filed within 90 days of sentencing, and this is the sort of case where the court's retaining jurisdiction is appropriate.

IT IS SO ORDERED.

Very truly yours,

/s/ Judge Fred S. Silverman

FSS/lah

oc: Prothonotary (Criminal Division)

pc: Paul Wallace, Deputy Attorney General

¹ *State v. Walls*, Del. Supr., No. 214, 2006, Steele, C.J. (Oct.17, 2006)(ORDER).