

SUPREME COURT OF THE STATE OF DELAWARE

Brinkley v. State

Brinkley v. State · No. No. 476, 2017 · Decided July 10, 2018

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Jermaine Brinkley’s motion to correct his sentence. The court held that the Superior Court properly corrected a clerical error in the automated sentence order to reflect that five two-year minimum-mandatory Level V terms were imposed consecutively.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Leo E. Strine, Jr., Chief Justice; Karen L. Valihura, Justice; James T. Vaughn, Jr., Justice
JURISDICTION	Delaware
DECIDED	July 10, 2018
DOCKET	No. 476, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brinkley appealed the Superior Court's denial of his motion for correction of sentence. The State moved to affirm, and the Delaware Supreme Court granted that motion.
PRECEDENTIAL VALUE	published
PARTIES	Jermaine D. Brinkley v. State of Delaware

TOPICS

- sentencing
- sentence modification
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the Superior Court could correct an automated sentence order to remove an erroneous concurrency provision and make the record conform to the sentence actually imposed.

2. Whether the corrected sentence order illegally enhanced Brinkley's sentence.

HOLDINGS

1. The Superior Court may correct a clerical error in an automated sentence order when necessary to make the record conform to the actual sentence imposed.
2. The corrected sentence order did not illegally enhance Brinkley's sentence because it accurately reflected the consecutive sentence imposed at the original sentencing.

KEY QUOTATIONS

“The Superior Court is authorized to correct a clerical error in an automated sentence order to make the record conform to the actual sentence imposed.” (¶ 5)

FACTUAL BACKGROUND

Brinkley pleaded guilty to eight criminal offenses, including five class B felony offenses, and received five consecutive two-year minimum-mandatory Level V incarceration terms, for a total minimum-mandatory sentence of ten years. The automated sentence order incorrectly stated that all sentences of confinement would run concurrently. The Superior Court corrected the clerical error by deleting that statement, and the record, including the guilty-plea and sentencing transcript, showed that the sentence imposed was consecutive.

PROCEDURAL HISTORY

Brinkley pleaded guilty in the Superior Court to eight criminal offenses and was sentenced on June 30, 2016. After discovering that an automated sentence order stated that all confinement sentences would run concurrently, he moved for correction of sentence. The Superior Court corrected the order by deleting that language and denied his motion, concluding that the corrected order accurately reflected the sentence imposed. The Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Gibbs v. State, 229 A.2d 502, 504 (Del. 1967)