

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

CRAIG A. ZEBROSKI,

Defendant.

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I.D. # 9604017809

ORDER

WHEREAS, Defendant Craig A. Zebroski was convicted after trial by jury of murder in the first degree and sentenced to death pursuant to 11 *Del. C.* § 4209;¹ and

WHEREAS, on August 2, 2016, a majority of the Delaware Supreme Court held in *Rauf v. State*² that 11 *Del. C.* § 4209 was unconstitutional because it deprived a defendant in a capital penalty hearing of his or her Sixth Amendment right to a jury trial; and

WHEREAS, on December 15, 2016, the Delaware Supreme Court held in *Powell v. State*³ that its decision in *Rauf* must be applied retroactively and that Powell's death sentence therefore must be vacated and a sentence of

¹ Zebroski also was convicted of other charges for which he received a total sentence of 61 years of unsuspended Level V time. This order does not modify in any way the sentence imposed on those charges.

² 145 A.3d 430 (Del. 2016).

³ — A.3d —, 2016 WL 7243546 (Del. Dec. 15, 2016).

“imprisonment for the remainder of his natural life without benefit of probation or parole or any other reduction”⁴ imposed; and

WHEREAS, the parties agree and concede that this Court is required to impose a sentence of imprisonment for the remainder of Zebroski’s natural life without benefit of probation or parole or any other reduction; and

WHEREAS, the parties agree that Zebroski’s pending Motion for Postconviction Relief (the “Motion”) should be stayed pending resolution of Zebroski’s appeal of the sentencing order because that appeal will divest this Court of jurisdiction to rule on the Motion;

NOW, THEREFORE, this 21st day of June, 2017, having conducted a hearing with respect to sentencing, the Court shall issue a sentencing order consistent with this Order, effective August 18, 1997. The Motion is **STAYED** until the Delaware Supreme Court resolves Zebroski’s appeal of the sentencing order.

IT IS SO ORDERED.


Abigail M. LeGrow, Judge

Original to Prothonotary

cc: Elizabeth R. McFarlan, Deputy Attorney General
Stamatios Stamoulis, Esquire

⁴ *Id.* at *5 (citation omitted).