

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

v.

SHAUN BINGHAM,

Defendant.

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ID No. 1805010686

Date Submitted: April 13, 2022

Date Decided: May 10, 2022

ORDER

Upon consideration of Defendant's "Motion to Correct Wording of Sentencing Order Dated 10 day of May 2019" ("Motion");¹ the State's response thereto;² statutory and decisional law; and the record in this case, **IT APPEARS THAT:**

1. On July 7, 2019, the Defendant pled guilty to Robbery First Degree (IN18051109), Robbery Second Degree (IN18051099) and Attempted Robbery Second Degree (IN18051100).³ On May 10, 2019, the Defendant was sentenced as follows: as to Robbery First Degree, 10 years at Level V Key, suspended after 5 years at Level V Key, for 1 year at Level IV Crest, upon successful completion of Level IV Crest, followed by 1 year at Level III Crest — the first 5 years of this

¹ D.I. 15.

² D.I. 17.

³ D.I. 8.

sentence is a mandatory term; as to Robbery Second Degree, 5 years at Level V, suspended after 15 months at Level V, for 1 year at Level III — probation is concurrent to Robbery First Degree sentence; as to Attempted Robbery Second Degree, 5 years at Level V, suspended after 15 months at Level V, for 1 year at Level III — probation is concurrent to Robbery Second Degree sentence.⁴

2. On March 24, 2022, Defendant filed the instant Motion.⁵ Defendant seeks to have substance abuse treatment programming added to his sentence now that the Key and Crest programs are unavailable. Specifically, Defendant requests that the remainder of his sentencing for Robbery Second Degree (IN18051099) and Attempted Robbery Second Degree (IN18051100) be suspended upon successful completion of the following:

1. Road to Recovery;
2. Any out-patient programming for recovery which the Court deems appropriate for drug treatment; and
3. TASC probation with any form of aftercare fit for recovery, A.A./N.A. and mental health treatment.⁶

3. On April 26, 2022, the State filed its response to Defendant's Motion.⁷ The State argues that the Motion is premature at this point, noting that Defendant will not begin substance abuse treatment programming until he gets closer to his

⁴ D.I. 9; D.I. 10.

⁵ D.I. 15.

⁶ *See Id.*

⁷ D.I. 17.

Short Term Release Date (“STRD”) which is almost three years in the future. The State clarifies that it is not opposed to modifying Defendant’s sentence to provide for appropriate substance abuse programs. Rather, the State believes that consideration of the Motion should be deferred until Defendant becomes eligible for such treatment closer to his STRD.⁸

4. The Court agrees with the State that Defendant’s Motion is premature. Defendant will not be eligible to engage in substance abuse programming for almost three years, and it appears that the Department of Correction will be able to better evaluate Defendant’s treatment needs closer in time to his STRD. The sentence is appropriate for all of the reasons stated at the time of sentencing and set forth in the State’s response. No additional information has been provided to the Court that warrants modification at this time.

NOW THEREFORE, for the foregoing reasons, Defendant’s “Motion to Correct Wording of Sentencing Order Dated 10 day of May 2019” is **DENIED**.

IT IS SO ORDERED.

/s/ Jan R. Jurden
Jan R. Jurden, President Judge

cc: Original to Prothonotary
Dominic A. Carrera, Jr., DAG
Shaun Bingham (SBI# 00574490)

⁸ *Id.* According to the State, the modification can be achieved via a progress report.