

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**ORDER AMENDING**

**SPECIAL RULE OF CRIMINAL PROCEDURE 2017-1  
FOR REVIEW OF A REQUEST TO MODIFY  
A HABITUAL OFFENDER SENTENCE**

This 17<sup>th</sup> day of September, 2018, **IT IS SO ORDERED** that:

Superior Court Special Rule of Criminal Procedure 2017-1(d)(11) is amended by adding the underlined text:

(11) *Sequence of consideration of petitions.* To the extent possible, consistent with the provisions of 11 *Del. C.* § 4214(f), all petitions filed under this rule where the felony establishing an inmate as a habitual offender was a Title 16 offense shall be heard first, followed by all petitions filed where the felony establishing an inmate as a habitual offender was a crime against property, followed by all other petitions. Consistent with the provisions of 11 *Del. C.* § 4214(f), nothing in this rule shall prohibit the court from considering any petition without regard to this preferred sequence when the court, after having obtained and considered the request of the petitioner and the consent of the Attorney General, determines it is in the interest of justice to do so.

This amendment shall take effect on September 17, 2018, and shall apply to any request to modify a habitual criminal sentence under 11 *Del. C.* § 4214(f) filed on or after this effective date, or any request that is pending on this effective date, no matter the stage of proceedings on such pending request.

/s/ Jan R. Jurden  
President Judge Jurden

oc: Prothonotaries  
cc: Superior Court Judges  
Superior Court Commissioners  
Matthew P. Denn, Attorney General  
J. Brendan O'Neill, Public Defender  
Court Administrators  
Michael Ferry, Director of Operations  
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