

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMIR FATIR f/k/a STERLING	§
HOBBS,	§ No. 79, 2012
	§
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID 75060892DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: March 26, 2012

Decided: April 10, 2012

Before **HOLLAND, BERGER, and JACOBS**, Justices.

ORDER

This 10th day of April 2012, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Amir Fatir, filed this appeal from the Superior Court's order, dated February 2, 2012, denying his motion for correction of illegal sentence under Superior Court Criminal Rule 35(a). The State has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Fatir's opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Fatir is serving a life sentence without parole following his conviction in 1976 for first degree murder and related offenses.¹ In December 2011, Fatir filed a motion for correction of illegal sentence contending, among other things,² that his life sentence is illegal because it fails to specify an ending date as required by 11 Del. C. § 3901(a).³ The Superior Court found no merit to this argument and denied Fatir’s motion. This appeal followed.

(3) After careful consideration of the parties’ arguments on appeal, we find it manifest on the basis on Fatir’s opening brief that his appeal is without merit. This Court has previously rejected the very argument that Fatir now makes. In *Carr v. State*,⁴ we held that the term “life” imprisonment is sufficiently defined to meet the requirements of Section 3901(a). Accordingly, we find no merit to Fatir’s argument in this appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ See *Hooks v. State*, 429 A.2d 1312 (Del. 1981) (affirming the imposition of a mandatory life sentence upon Fatir and his codefendants).

² To the extent Fatir’s motion raised other issues in the Superior Court, those issues are deemed waived for his failure to raise them in his opening brief on appeal. *Murphy v. State*, 632 A.2d 1150, 1152 (Del. 1993).

³ DEL. CODE ANN. tit. 11, § 3901(a) (2007). Section 3901(a) provides, in part, that “[w]hen imprisonment is part of the sentence, the term shall be fixed, and the time of its commencement and ending specified.

⁴ *Carr v. State*, 2008 WL 2138157 (Del. May 20, 2008).