

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAROUN M. JAMISON,	§
	§
Defendant Below-	§ No. 514, 1999
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County,
	§ Cr.A. Nos. IN95-12-1295 and
Plaintiff Below-	§ IN95-12-1298
Appellee.	§

Submitted: March 17, 2000

Decided: April 25, 2000

Before **WALSH, HOLLAND** and **HARTNETT**, Justices.

ORDER

This 25th day of April 2000, upon consideration of the briefs filed by the parties, it appears to the Court that:

(1) The defendant-appellant, Daroun M. Jamison, pled guilty in April 1996 to one count each of attempted murder and possession of a firearm during the commission of a felony. The Superior Court sentenced him on June 21, 1996. Jamison did not appeal to this Court.

(2) In July 1999, Jamison filed his first petition for postconviction relief pursuant to Superior Court Criminal Rule 61. The Superior Court denied the petition on the ground that it had not been timely filed within the three-year

limitations period of Rule 61(i)(1). Jamison filed this appeal from the Superior Court's order.

(3) In his opening brief, Jamison contends that the Superior Court incorrectly calculated the three year period under both Rule 61(m)(1) and *Jackson v. State*, Del. Supr., 654 A.2d 829 (1995). Jamison contends that the time for filing his Rule 61 petition did not begin to run until 30 days after the day he was sentenced. Jamison contends that the Superior Court erred when it calculated the three-year limitations period from the day of sentencing. The State agrees with Jamison's contention.

(4) Having reviewed this matter carefully, the Court has determined that the Superior Court erred in calculating the three-year limitations period under Rule 61. Accordingly, the Superior Court's decision is reversed, and this matter shall be remanded to the Superior Court for consideration of the merits of Jamison's petition.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is REVERSED and the matter is REMANDED to the Superior Court for consideration of Jamison's Rule 61 petition on its merits. Jurisdiction is not retained.

BY THE COURT:

Randy J. Holland
Justice