

SUPREME COURT OF THE STATE OF DELAWARE

Grandelli v. State

No. 506, 2013 (Del. Sept. 19, 2014) · No. No. 506, 2013 · Decided September 19, 2014

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s judgment finding Erik Grandelli in violation of probation and resentencing him after a transdermal alcohol device detected a drinking event. The Court rejected challenges concerning alleged withheld evidence, witness bias, the foundation for admitting the device evidence, sufficiency of the evidence, and sentencing discretion. The Court held that the State presented sufficient competent evidence and that the evidentiary and sentencing rulings were proper.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Leo E. Strine, Jr., Chief Justice; Holland, Justice; Valihura, Justice
JURISDICTION	Delaware
DECIDED	September 19, 2014
DOCKET	No. 506, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court judgment finding Grandelli guilty of a second violation of probation and resentencing him.
STANDARD OF REVIEW	The court reviewed evidentiary rulings for abuse of discretion and considered whether the State presented sufficient competent evidence to support revocation of probation. The claim that the sentencing judge acted with a closed mind was also reviewed under an abuse-of-discretion framework.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; precedential status not otherwise specified in the opinion text.
PARTIES	Erik Grandelli v. State of Delaware

TOPICS

- probation
- evidence
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

evidence

probation

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether the alleged failure of the State's witness to use or disclose graphs concerning a prior false-positive TAD event invalidated Grandelli's VOP conviction.
2. Whether the State's witness's financial interest in the TAD manufacturer rendered his testimony inadmissible because of bias.
3. Whether the State laid an adequate foundation for admitting the TAD evidence without proving calibration both before and after the alleged drinking event.
4. Whether the State presented sufficient competent evidence to establish the violation of probation.
5. Whether the sentencing judge acted with a closed mind by failing to consider Grandelli's accomplishments and mitigation evidence.

HOLDINGS

1. The witness's failure to use the graphs went to the weight of his testimony, not its admissibility, and did not invalidate the conviction.
2. The witness's financial interest went to the weight of his testimony, not its admissibility, particularly where the alleged bias was thoroughly explored on cross-examination.
3. The State established an adequate foundation for the TAD evidence by presenting expert testimony that the device was properly calibrated less than a month before the event and did not require calibration after a drinking event.
4. A violation of probation need only be established by some competent evidence reasonably satisfying the judge that the probationer's conduct did not comply with the conditions of probation, and that standard was met here.
5. The Superior Court did not sentence Grandelli with a closed mind because the record showed that the judge considered the nature of the violation, Grandelli's version of events, and his asserted accomplishments.

KEY QUOTATIONS

“In Delaware, a VOP need only be proven by “some competent evidence” to reasonably satisfy the judge that the conduct of the probationer has not been as good as required by the conditions of probation.” (at 6)

“A judge sentences with a closed mind when the sentence is based on a preconceived bias without consideration of the nature of the offense or the character of the defendant.” (at 7)

FACTUAL BACKGROUND

Grandelli was on probation following a guilty plea to fourth-offense driving under the influence, subject to a zero-tolerance alcohol condition and later TAD monitoring. His TAD generated an alert on June 17, 2013, which

BI analyzed and confirmed as a drinking event; an expert testified that the device had been properly calibrated less than a month earlier and was functioning properly. Grandelli and his mother denied that he drank alcohol, while the Superior Court credited the State's evidence and found a second violation of probation.

PROCEDURAL HISTORY

Grandelli pleaded guilty to fourth-offense driving under the influence and received a Level V sentence suspended for probation subject to a zero-tolerance alcohol condition. After a first violation based on a positive breathalyzer result, the Superior Court resentenced him and imposed transdermal alcohol device monitoring. Following a second alleged violation based on a TAD-detected drinking event, the Superior Court found him guilty and resentenced him. The Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Hickman v. Paraq, 167 A.2d 225, 231 (Del. 1961)
- Harris v. State, 2009 WL 189162, at *2 (Del. Jan. 20, 2009)
- Weber v. State, 457 A.2d 674, 680 (Del. 1983)
- Clawson v. State, 867 A.2d 187, 191 (Del. 2005)
- Harris v. State, 2014 WL 3888254, at *3 (Del. Aug. 7, 2014)
- Sturgis v. Bayside Health Ass'n Charter, 942 A.2d 579, 584 (Del. 2007)
- Rivera v. State, 2014 WL 2093709, at *3 (Del. May 15, 2014)
- Brown v. State, 249 A.2d 269, 272 (Del. 1968)
- Weston v. State, 832 A.2d 742, 746 (Del. 2003)