

SUPERIOR COURT OF THE STATE OF DELAWARE

State v. Vickery

State v. Vickery · No. ID No. 2504006468 · Decided May 27, 2026

SUMMARY

The Delaware Superior Court denied Kayla Vickery’s pro se motion under Superior Court Criminal Rule 35(b) to modify her sentence following a probation violation. The court held that the sentence was appropriate when imposed and declined to alter the Level IV placement, which it considered within the Department of Correction’s discretion.

CASE DETAILS

COURT	Superior Court of the State of Delaware
WRITING FOR THE COURT	Sheldon K. Rennie
JURISDICTION	Superior Court of the State of Delaware
DECIDED	May 27, 2026
DOCKET	ID No. 2504006468
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved pro se under Superior Court of Delaware Criminal Rule 35(b) to modify her sentence after being found in violation of probation. The Superior Court denied the motion.
STANDARD OF REVIEW	The court considered the motion under Superior Court Criminal Rule 35(b), first addressing procedural bars and then the merits.
PRECEDENTIAL VALUE	Published Superior Court of Delaware order
PARTIES	State of Delaware v. Kayla Vickery

TOPICS

- sentence modification
- probation
- sentencing
- criminal procedure

PRACTICE AREAS

- criminal procedure
- sentencing
- probation
- sentence modification

QUESTIONS PRESENTED

1. Whether Defendant's motion for sentence modification under Superior Court Criminal Rule 35(b) was procedurally barred.
2. Whether the court should reduce or modify Defendant's sentence based on her rehabilitative efforts, substance-use treatment needs, and concerns about her current Level IV placement.

HOLDINGS

1. The motion was not subject to any applicable procedural bar, so the court considered it on the merits.
2. The court denied the motion because Defendant's sentence was appropriate when imposed, its duration was integral to the court's sentencing scheme, and her rehabilitative efforts did not provide a valid basis for modification.
3. The court would not direct or micromanage the Department of Correction's Level IV program assignment because those assignments were left to the Department's determination.

KEY QUOTATIONS

“Indeed, the duration of the sentence is integral to the Court’s overall “sentencing scheme” or “plan.” (at 2)

“Although the Court applauds Defendant’s efforts to fully engage with her rehabilitative program, it does not provide a valid basis to modify or amend her sentence.” (at 3)

“Accordingly, Defendant’s Motion for Sentence Reduction is DENIED.” (at 3)

FACTUAL BACKGROUND

Kayla Vickery was found in violation of probation on December 9, 2025. The court imposed one year of Level V time, suspended for Level IV treatment at the Department of Correction's discretion, followed by Level III supervision. Vickery sought a sentence reduction based on her acceptance of her substance-use problem, participation in treatment and recovery programs, and the asserted negative effect of her current treatment facility on her mental health.

PROCEDURAL HISTORY

On December 9, 2025, Defendant was found in violation of probation and sentenced to one year of Level V incarceration, suspended for Level IV treatment and then Level III supervision. On February 20, 2026, she moved to reduce the sentence to ninety days and obtain Level IV inpatient treatment at Banyan Treatment Center. The court found no procedural bar but denied the motion on the merits.

DISPOSITION

other

CASES CITED

- State v. Redden, 111 A.3d 602, 606 (Del. Super. 2015)

- State v. Redden, 111 A.3d 602, 609 (Del. Super. 2015)
- State v. Bolling, 2021 WL 2408426, at *4 (Del. Super. June 14, 2021)

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