

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)

OPINION

State v. Vickery

PER CURIAM.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)

) v.) ID No. 2504006468)

KAYLA VICKERY,)

) Defendant.)

ORDER

On this 27th day of May, 2026, upon consideration of Kayla Vickery’s (“Defendant”) pro se Motion for Sentence Modification (the “Motion”) made pursuant to Superior Court Rule of Criminal Procedure (“Rule”) 35(b), 1 the sentence imposed upon Defendant, and the record in this case, it appears to the Court that:

1. On December 9, 2025, Defendant was found in violation of her probation. 2
2. The Court sentenced Defendant to one year of Level V time, suspended for one year at Level IV treatment, DOC discretion, suspended after completion of DOC discretion for one year at Level III.3
3. On February 20, 2026, Defendant filed the instant Motion requesting that the Court reduce her sentence to ninety days and then to hold at Level IV for 1 Docket Item (hereinafter “D.I.”) 12 (hereinafter “Mot.”). 2 Sentence Order (D.I. 11.). 3 Id. inpatient treatment at Banyan Treatment Center.4 The basis for this request is Defendant’s acceptance of her substance use problem, compliance with the Road to Recovery program and other classes, and the negative effect that treatment at the Hazel D. Plant Women’s Treatment Facility is having on her mental health. 5
4. The Court considers motions for modification of sentence under Rule 35(b). Before addressing the merits of a motion, the Court first considers the applicable procedural bars. 6 There are no applicable procedural bars, and thus the Court considers the Motion on the merits.
5. The Motion is denied. Defendant’s sentence was appropriate at the time of sentencing. Indeed, the duration of the sentence is integral to the Court’s overall “sentencing scheme” or “plan.”7 The Court imposed the sentence—including these express elements—after a thorough review of the crimes committed and the sentencing information available on the record. In addition, Defendant’s Level IV program assignments are left to the Department of Correction’s determination, and the Court will not micro-manage the Department. 8 Although the Court

applauds 4 Mot. p. 2. 5 Id. 6 State v. Redden, 111 A.3d 602, 606 (Del. Super. 2015). 7 Id. at 609. 8 See State v. Bolling, 2021 WL 2408426, at *4 (Del. Super. Jun. 14, 2021) (denying request to modify Level IV placement because “[the defendant’s] placement and program assignment for completion of his Level IV term is a matter the Court has left to the [Department of Correction] to determine given his circumstances when he has finished the Level V portion of his sentence.”). 2 Defendant’s efforts to fully engage with her rehabilitative program, it does not provide a valid basis to modify or amend her sentence.

6. Accordingly, Defendant’s Motion for Sentence Reduction is DENIED.

IT IS SO ORDERED. Sheldon K. Rennie, Judge 3