

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.

OPINION

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