

SUPREME COURT OF THE STATE OF DELAWARE

Dignan v. State

Dignan v. State · No. No. 77, 2019 · Decided April 12, 2019

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Frank Dignan’s motion to correct an allegedly illegal sentence for second-degree burglary. The Court held that 11 Del. C. § 825 establishes minimum, not maximum, sentences, and that the eight-year Level V sentence was authorized for a Class D felony under 11 Del. C. § 4205.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Vaughn, Justice; Seitz, Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	April 12, 2019
DOCKET	No. 77, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dignan appealed the Superior Court's denial of his motion to correct an allegedly illegal sentence imposed after his guilty plea. The State moved to affirm under the Delaware Supreme Court's summary affirmance procedure.
STANDARD OF REVIEW	The Court considered whether it was manifest on the face of the appellant's opening brief that the appeal was without merit.
PRECEDENTIAL VALUE	Published Delaware Supreme Court per curiam order; the text does not separately state its precedential status.
PARTIES	Frank Dignan v. State of Delaware

TOPICS

- sentencing
- sentence modification
- statutory interpretation
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether Dignan's eight-year Level V sentence for second degree burglary was illegal because 11 Del. C. § 825 allegedly limited the sentence to a maximum of three years.
2. Whether the Superior Court properly denied Dignan's motion to correct an illegal sentence.

HOLDINGS

1. Section 825 establishes the minimum sentence for second degree burglary; it does not establish the maximum sentence. Because second degree burglary is a class D felony, the maximum permissible sentence under 11 Del. C. § 4205(b)(4) is eight years at Level V.
2. Dignan's sentence was not illegal because the eight-year Level V sentence for second degree burglary was authorized by law.

KEY QUOTATIONS

“But, this section sets out the minimum sentence to which one can be sentenced. Section 4205 of Title 11 sets out the maximum sentence one can receive for each felony class.” (3)

“Accordingly, we find no merit to Dignan’s argument that the Superior Court imposed an illegal sentence for his conviction of second degree burglary.” (3)

FACTUAL BACKGROUND

Dignan pleaded guilty to three counts of second degree burglary, one count of second degree forgery, three counts of second degree conspiracy, and two misdemeanor theft counts. In exchange, the State entered a nolle prosequi on numerous other charges. The Superior Court sentenced him to eight years at Level V for one second degree burglary conviction, with additional consecutive and suspended sentences on the other charges.

PROCEDURAL HISTORY

Dignan pleaded guilty to nine charges resolving five cases on March 1, 2012, including three counts of second degree burglary. The Superior Court imposed, among other sentences, eight years at Level V incarceration for one burglary count. After several unsuccessful motions to modify his sentence, Dignan filed a January 18, 2019 motion to correct an illegal sentence, arguing that 11 Del. C. § 825 limited his sentence for second degree burglary to three years. The Superior Court denied the motion, and the Delaware Supreme Court affirmed.

DISPOSITION

affirmed