

SUPREME COURT OF DELAWARE

Dilip Nyala v. State

955 A.2d 1275 (Del. 2008) · No. No. 579, 2007 · Decided August 4, 2008

SUMMARY

The Delaware Supreme Court affirmed the Superior Court's denial of Dilip Nyala's motion for correction of sentence. The court held that Nyala's twelve-year probationary term, imposed in 2001, was lawful under the version of 11 Del. C. § 4333 then in effect, and that the 2003 amendment limiting probation periods did not apply retroactively.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Holland, Justice; Steele, Chief Justice; Berger, Justice
JURISDICTION	Delaware
DECIDED	August 4, 2008
DOCKET	No. 579, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of Delaware's denial of a motion for correction of sentence.
STANDARD OF REVIEW	Review of the denial of a motion for correction of sentence; the Court determined whether the sentence was illegal.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Dilip Nyala v. State of Delaware

TOPICS

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

PRACTICE AREAS

- Criminal law
- Sentencing
- Probation
- Appellate procedure

QUESTIONS PRESENTED

1. Whether Nyala's twelve-year probationary sentence imposed in 2001 was illegal under the 2003 amendment to 11 Del. C. § 4333.
2. Whether Nyala's 2006 violation-of-probation sentence was otherwise illegal.

HOLDINGS

1. The twelve-year probationary term was legal because the version of § 4333 in effect when Nyala was sentenced permitted probation or suspension of sentence up to the maximum term of commitment for the offense, and the 2003 amendment did not apply retroactively to sentences imposed before June 1, 2003.
2. The 2006 violation-of-probation sentence was legal because it included no period of probation and was otherwise lawful.

KEY QUOTATIONS

“The twelve year probationary term did not exceed the maximum term of commitment and, therefore, was legal at the time of sentencing.” (955 A.2d at 1275)

“This Court has held, however, that that 2003 amendment to 11 Del. C. § 4333 does not apply to any sentence imposed prior to June 1, 2003.” (955 A.2d at 1276)

FACTUAL BACKGROUND

Nyala pleaded guilty in 2001 to trafficking in cocaine, delivery of cocaine within 300 feet of a park, and possession of cocaine. The Superior Court imposed an aggregate nineteen-year sentence, suspended after six years for twelve years of probation, and later reduced the delivery-related suspension. After Nyala violated probation in 2006, the court imposed six years at Level V incarceration and discharged him from probation. Nyala then challenged the legality of the original probation term under the 2003 amendment to Delaware's sentencing statute.

PROCEDURAL HISTORY

Nyala pleaded guilty in 2001 to drug offenses and received a nineteen-year sentence, suspended after six years for twelve years of probation. After a 2006 violation-of-probation proceeding, the Superior Court imposed six years at Level V incarceration and discharged him from probation. In 2007, Nyala moved to correct his sentence, arguing that the twelve-year probation term violated the 2003 amendment to 11 Del. C. § 4333. The Superior Court denied the motion, and the Supreme Court of Delaware affirmed.

DISPOSITION

affirmed

CASES CITED

- Nyala v. State, 2007 WL 495916 (Del. Feb. 16, 2007)
- Sewell v. State, 2003 WL 22839962 (Del. Nov. 26, 2003)

