

SUPREME COURT OF DELAWARE

Quandt v. State

933 A.2d 1250 (Del. 2007) · No. No. 28, 2007 · Decided August 3, 2007

SUMMARY

The Delaware Supreme Court affirmed the denial of Michael B. Quandt’s motion to correct an illegal sentence under Superior Court Criminal Rule 35. The Court held that his challenges were untimely claims concerning the manner of sentencing, lacked substantive merit, and that his probation claim was moot because the sentence had been corrected.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Myron T. Steele, Chief Justice; Steele, Chief Justice; Holland, Justice; Ridgely, Justice
JURISDICTION	Delaware
DECIDED	August 3, 2007
DOCKET	No. 28, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of Delaware's denial of a motion for correction of an illegal sentence under Superior Court Criminal Rule 35.
STANDARD OF REVIEW	The court reviewed whether the sentence was illegal under Rule 35 and whether the Superior Court properly denied relief. Rule 35(a) relief is limited to correction of an illegal sentence, while challenges to a sentence imposed in an illegal manner are subject to Rule 35(b)'s time limitation.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion; precedential
PARTIES	Michael B. Quandt v. State of Delaware

TOPICS

- sentencing
- sentence modification
- post-conviction relief
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Quandt's challenges to his sentence constituted claims of an illegal sentence cognizable at any time under Rule 35(a), or claims that the sentence was imposed in an illegal manner and therefore time-barred under Rule 35(b).
2. Whether departure from Delaware's Truth-in-Sentencing guidelines provided a basis for appellate relief and whether Apprendi and Blakely affected Delaware's voluntary, non-binding sentencing guidelines.
3. Whether the sentencing court improperly increased Quandt's sentence on resentencing absent vindictiveness.
4. Whether Quandt was illegally sentenced to three years of probation when the corrected sentence provided only two years, and whether that issue remained justiciable.

HOLDINGS

1. Claims that a sentence was imposed in an illegal manner, rather than claims that the sentence itself was legally unauthorized or otherwise intrinsically illegal, are subject to Rule 35(b)'s 90-day limitation. Quandt's claims were time-barred, and no extraordinary circumstances justified review.
2. A Superior Court decision to depart from Delaware's TIS guidelines is not, by itself, a basis for appeal. Apprendi and its progeny do not affect Delaware's sentencing scheme because the TIS guidelines are voluntary and non-binding.
3. A sentencing judge may impose a harsher sentence on resentencing provided that vindictiveness played no part in the decision. The record showed no vindictiveness and instead reflected an intent to implement the original sentencing plan.
4. The challenge to a three-year probation term was moot because the Superior Court had already corrected the sentence to provide only two years of probation, and no remand was necessary.

KEY QUOTATIONS

"The narrow function of Rule 35 is to permit correction of an illegal sentence." (§ 5)

"The sentencing judge was not prohibited from imposing a harsher sentence on Quandt, as long as vindictiveness played no part in the decision to impose the harsher sentence." (§ 8)

FACTUAL BACKGROUND

In November 2003, Quandt entered a no contest plea to manslaughter, a lesser-included offense of first-degree intentional murder. The Superior Court initially imposed ten years at Level V, suspended after seven years, and stated that the Level V term would not be subject to early release. In 2004, the Superior Court corrected that provision and resentenced Quandt to ten years at Level V, suspended after eight years for two years of probation, with credit for 445 days previously served. Quandt challenged the sentence as exceeding the TIS guidelines, impermissibly harsher after resentencing, and imposing too much probation.

PROCEDURAL HISTORY

Quandt entered a no contest plea to manslaughter and was sentenced by the Superior Court. After the court corrected the original sentence under Rule 35(a), Quandt later filed another motion challenging the sentence, which the Superior Court denied on December 21, 2006. The Supreme Court of Delaware affirmed.

DISPOSITION

affirmed

CASES CITED

- Brittingham v. State, 705 A.2d 577, 578 (Del. 1998)
- Winn v. State, Del. Supr., No. 521, 1997, Veasey, C.J. (July 6, 1998)
- Siple v. State, 701 A.2d 79, 82-83 (Del. 1997)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- Blakely v. Washington, 542 U.S. 296 (2004)
- Bengé v. State, Del. Supr., No. 137, 2004, Holland, J. (Nov. 12, 2004)
- United States v. Goodwin, 457 U.S. 368, 373-74 (1982)