

SUPREME COURT OF THE STATE OF DELAWARE

Cherricks v. State

Cherricks · No. No. 82, 2025 · Decided January 27, 2026

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s judgment revoking Roberto Cherricks’s probation and imposing additional Level V incarceration. The Court held that Cherricks’s admission to probation violations provided sufficient evidence, rejected his conflict-of-interest argument, and concluded that the sentence was within statutory limits and supported by the record. The Court also upheld the condition requiring service of Level V time without early release under 11 Del. C. § 4204(k).

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of Delaware                                                                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Per Curiam; Karen L. Valihura; Traynor; Legrow                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | Supreme Court of the State of Delaware                                                                                                                                                                                                                                                                                                                    |
| DECIDED               | January 27, 2026                                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | No. 82, 2025                                                                                                                                                                                                                                                                                                                                              |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Appeal from a Superior Court order finding Roberto Cherricks in violation of probation and imposing a further sentence.                                                                                                                                                                                                                                   |
| STANDARD OF REVIEW    | The appellate review of a violation-of-probation sentence is extremely limited and generally ends when the sentence is within statutory limits. In that circumstance, the court considers only whether the sentence rests on false, impermissible, or minimally reliable factual predicates, or reflects judicial vindictiveness, bias, or a closed mind. |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                                                                                                                                                                                 |
| PARTIES               | Roberto Cherricks v. State of Delaware                                                                                                                                                                                                                                                                                                                    |

TOPICS

- probation
- sentencing
- criminal procedure
- standard of review
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Cherricks's admission and other evidence sufficiently established a violation of probation.
2. Whether assigning Cherricks the same probation officer and TASC officer created a conflict of interest.
3. Whether the Superior Court imposed an excessive or otherwise improper violation-of-probation sentence.
4. Whether the Superior Court committed reversible error by imposing a sentencing condition under 11 Del. C. § 4204(k) without providing an adequate reason.

## HOLDINGS

1. A probation violation may be established by a preponderance of the evidence, and Cherricks's admission that he violated probation was sufficient competent evidence to justify revocation.
2. Cherricks failed to establish a conflict of interest because the record showed that his probation officer was different from the TASC officer who testified.
3. The sentence was affirmed because it was within statutory limits and Cherricks did not show that it was based on false, impermissible, or unreliable factual predicates or resulted from vindictiveness, bias, or a closed judicial mind.
4. The Superior Court did not commit reversible error by requiring Cherricks to serve the specified Level V time without the benefit of early release under 11 Del. C. § 4204(k).

## KEY QUOTATIONS

*“Unlike in a criminal trial, the State “need prove by only by a preponderance of the evidence that a violation of probation occurred,” which is “some competent evidence” to “reasonably satisfy the judge that the conduct of the probationer has not been as good as required by the conditions of probation.”” (at 3)*

*“When the sentence falls within the statutory limits, “we consider only whether it is based on factual predicates which are false, impermissible, or lack minimal reliability, judicial vindictiveness or bias, or a closed mind.”” (at 4)*

## FACTUAL BACKGROUND

Cherricks pleaded guilty to drug dealing and second-degree conspiracy and was placed under suspended Level V sentences, probation, and treatment monitoring. The Superior Court found multiple probation violations, including failures to report as required and failures to participate in treatment. At the latest violation hearing, Cherricks admitted violating probation, and the Superior Court imposed additional Level V incarceration, including time without early release under 11 Del. C. § 4204(k), followed by decreasing levels of supervision.

## PROCEDURAL HISTORY

Cherricks pleaded guilty to drug dealing and second-degree conspiracy and received suspended Level V sentences with probationary supervision and treatment conditions. After multiple prior violations, the Superior

Court found another violation based on failures to report police contact and required probation and treatment contacts, then imposed additional Level V incarceration, including a condition under 11 Del. C. § 4204(k) denying early release for specified time. Cherricks appealed, challenging the alleged violation evidence, a purported conflict of interest, the length of his sentence, and the lack of an explanation for the Section 4204(k) condition.

#### DISPOSITION

affirmed

#### CASES CITED

- Kurzmann v. State, 903 A.2d 702, 716 (Del. 2006)
- Powel v. State, 314 A.3d 664 (Del. 2024)
- Kurzmann v. State, 903 A.2d 702, 714 (Del. 2006)
- Pavulak v. State, 880 A.2d 1044, 1046 (Del. 2005)

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