

SUPREME COURT OF THE STATE OF DELAWARE

Horsey v. State

Horsey · No. No. 345, 2021 · Decided May 4, 2022

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s violation-of-probation sentence imposed on Rayquian Horsey. The Court held that the sentence was within statutory limits and that Horsey identified no impermissible factual basis, judicial vindictiveness or bias, or closed-mindedness warranting appellate relief.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Seitz, Chief Justice; Traynor, Justice; Montgomery-Reeves, Justice
JURISDICTION	Delaware
DECIDED	May 4, 2022
DOCKET	No. 345, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Horsey appealed the Superior Court's judgment revoking his probation and imposing a violation-of-probation sentence. The Supreme Court considered the State's motion to affirm under the record and Horsey's opening brief.
STANDARD OF REVIEW	Appellate review of a sentence is extremely limited and generally ends when the sentence is within statutory limits. Review is limited to whether the sentence rests on false, impermissible, or minimally reliable factual predicates, or reflects judicial vindictiveness, bias, or a closed mind.
PRECEDENTIAL VALUE	published Delaware Supreme Court opinion
PARTIES	Rayquian Horsey v. State of Delaware

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Superior Court's violation-of-probation sentence was impermissibly extreme or otherwise subject to appellate correction.
2. Whether Horsey's violation-of-probation counsel failed to satisfy the obligation to advise him regarding his right to appeal and the deadline for filing a notice of appeal.

HOLDINGS

1. The VOP sentence was affirmed because it was within the statutory limits and Horsey identified no false, impermissible, or unreliable factual predicate, judicial vindictiveness, bias, or closed judicial mind.
2. Horsey's ineffective-assistance argument lacked merit because Supreme Court Rule 26(l) requires counsel to advise the defendant in writing about the right to appeal, whether counsel will continue representation, and the requirement to file a notice of appeal within thirty days, and the record showed that counsel satisfied those obligations.

KEY QUOTATIONS

"This Court's appellate review of a sentence is extremely limited and generally ends upon a determination that the sentence is within statutory limits." (at 2)

"If 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 2)

FACTUAL BACKGROUND

Horsey pleaded guilty to possession of a firearm by a person prohibited in exchange for dismissal of other drug and weapon charges. The Superior Court sentenced him to eight years of Level V incarceration, suspended for one year of Level III probation, with substance-abuse evaluation and treatment conditions. The Department of Correction later reported that Horsey had been charged with new crimes, failed to report to his probation officer, and failed to complete a substance-abuse evaluation. Following a violation hearing, the Superior Court found a probation violation and imposed seven years and six months of Level V incarceration, suspended after one year for decreasing levels of supervision.

PROCEDURAL HISTORY

Horsey pleaded guilty in the Superior Court to possession of a firearm by a person prohibited and received a Level V sentence suspended for probation. After the Department of Correction filed a violation-of-probation report, the Superior Court found a violation and imposed seven years and six months of Level V incarceration, suspended after one year for decreasing levels of supervision. Horsey appealed, challenging the severity of the VOP sentence and asserting ineffective assistance concerning notice of appeal obligations. The Delaware Supreme Court granted the State's motion to affirm and affirmed.

DISPOSITION

affirmed

CASES CITED

- Kurzman v. State, 903 A.2d 702, 714 (Del. 2006)
- Pavulak v. State, 880 A.2d 1044, 1046 (Del. 2005)

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