

SUPREME COURT OF THE STATE OF DELAWARE

Christopher Wehde v. State of Delaware

Christopher Wehde v. State of Delaware · No. No. 217, 2015 · Decided September 9, 2015

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Christopher Wehde’s motion for correction of sentence. The Court held that Wehde’s challenges to his habitual-offender status, predicate convictions, violation-of-probation sentences, and sentencing procedure were either meritless, outside the scope of Rule 35, or untimely absent extraordinary circumstances.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr.; Leo E. Strine, Jr., Chief Justice; James T. Vaughn, Jr., Justice; Gary F. Seitz, Jr., Justice
JURISDICTION	Delaware
DECIDED	September 9, 2015
DOCKET	No. 217, 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wehde appealed the Superior Court's denial of his motion to correct and amend his sentence. The State moved to affirm under the Delaware Supreme Court's summary affirmance procedure.
STANDARD OF REVIEW	The denial of a motion for correction of sentence is reviewed for abuse of discretion; legal questions are reviewed de novo. Claims not raised below are reviewed for plain error.
PRECEDENTIAL VALUE	Delaware Supreme Court per curiam order affirming denial of a motion for correction of sentence; no reporter citation or express precedential designation appears in the supplied text.
PARTIES	Christopher Wehde v. State of Delaware

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Wehde's sentence as a habitual offender was illegal because the predicate convictions allegedly overlapped, involved allegedly illegal violation-of-probation sentences, were imposed with related violation-of-probation sentences, or were later reclassified as misdemeanors.
2. Whether Rule 35 permitted Wehde to challenge the validity of his underlying Rape in the Fourth Degree conviction or assert that he was not guilty of that offense.
3. Whether sentencing by a judge other than the judge who accepted Wehde's guilty plea rendered the sentence illegal or warranted relief under Rule 35(b).
4. Whether the Superior Court committed plain error by failing to hold a separate hearing on the habitual-offender petition, by considering habitual-offender status applicable to a probationer, or by denying relief despite alleged problems concerning counsel and judicial impartiality.

HOLDINGS

1. Wehde's challenges to the habitual-offender sentence were meritless. The record supported the previously affirmed determination that three separate successive convictions qualified as predicate convictions under 11 Del. C. § 4214(a), and Wehde supplied no authority showing that the alleged overlap, expiration status, same-day violation-of-probation sentences, or alleged illegality of separate violation-of-probation sentences invalidated the habitual-offender designation.
2. Later reclassification of crimes underlying predicate felony convictions as misdemeanors does not eliminate their status as predicate convictions under § 4214(a); the classification at the time of conviction controls.
3. A Rule 35 proceeding presumes a valid conviction and may not be used to challenge the legality of the conviction or raise alleged errors occurring before sentencing.
4. Wehde was not entitled to relief on his claim that he should have been sentenced by the judge who accepted his guilty plea. The claim concerned a sentence allegedly imposed in an illegal manner, was filed more than ninety days after sentencing, and did not establish extraordinary circumstances or a Department of Correction application under 11 Del. C. § 4217.
5. The additional claims raised for the first time on appeal did not constitute plain error and therefore did not warrant consideration or relief.

KEY QUOTATIONS

"A sentence is illegal if it exceeds statutory limits, violates double jeopardy, is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to the substance of the sentence, or is a sentence that the judgment of conviction did not authorize." (¶ 6)

"Rule 35 is not a means for Wehde to attack the legality of his convictions or to raise allegations of error in the proceedings before the imposition of sentence." (¶ 11)

FACTUAL BACKGROUND

Wehde pleaded guilty to offenses arising from his facilitation of sexual intercourse between his wife and his minor son. He was declared a habitual offender under 11 Del. C. § 4214(a) based on prior felony convictions and received thirty-two years of Level V incarceration, suspended after nineteen years for decreasing levels of supervision. His later motion challenged the habitual-offender designation, the legality and treatment of predicate convictions and violation-of-probation sentences, the identity of the sentencing judge, and other matters.

PROCEDURAL HISTORY

Wehde pleaded guilty in January 2009 to Sexual Solicitation of a Child, Rape in the Fourth Degree, and Conspiracy in the Second Degree, and was sentenced as a habitual offender to thirty-two years at Level V, suspended after nineteen years for decreasing levels of supervision. The Delaware Supreme Court previously affirmed the habitual-offender determination and sentence, and later affirmed the denial of a sentence-reduction motion. After withdrawing a postconviction motion, Wehde filed a 2014 motion for correction of sentence and an amendment, which the Superior Court denied on April 10, 2015. The Supreme Court granted the State's motion to affirm and affirmed the Superior Court.

DISPOSITION

affirmed

CASES CITED

- Wehde v. State, 983 A.2d 82 (Del. 2009)
- Wehde v. State, 2011 WL 181461 (Del. Jan. 14, 2011)
- State v. Wehde, 2012 WL 1415631 (Del. Super. Ct. Feb. 15, 2012)
- Fountain v. State, 2014 WL 4102069, at *1 (Del. Aug. 19, 2014)
- Brittingham v. State, 705 A.2d 577, 578 (Del. 1998)
- Buckingham v. State, 482 A.2d 327, 330 (Del. 2010)
- Watson v. State, 892 A.2d 366, 369-70 (Del. 2005)

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