

SUPREME COURT OF THE STATE OF DELAWARE

Rollins v. State

Rollins · No. No. 401, 2021 · Decided January 14, 2022

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Duane L. Rollins’s motion for correction or modification of sentence. The Court held that Rollins was eligible for habitual-offender sentencing and that his sentence-modification request was untimely under Superior Court Criminal Rule 35(b); it also held that relief under 11 Del. C. § 4217 requires an application by the Department of Correction, which was not required to apply.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Seitz, Chief Justice; Valihura, Justice; Vaughn, Justice
JURISDICTION	Delaware
DECIDED	January 14, 2022
DOCKET	No. 401, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rollins appealed the Superior Court's denial of his motion for correction or modification of sentence. The Delaware Supreme Court considered the State's motion to affirm and affirmed the judgment below.
STANDARD OF REVIEW	The denial of a motion for reduction or modification of sentence under Superior Court Criminal Rule 35(b) is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Duane L. Rollins v. State of Delaware

TOPICS

- appellate procedure
- sentencing
- post-conviction relief
- criminal procedure
- statutory interpretation

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by treating Rollins's filing as a motion under Superior Court Criminal Rule 35(b) and denying it as untimely.
2. Whether Rollins was ineligible for habitual-offender sentencing because strangulation was not listed as a violent felony under 11 Del. C. § 4201(c) at the time of his conviction.
3. Whether Rollins was entitled to sentence modification under 11 Del. C. § 4217 absent an application from the Department of Correction.

HOLDINGS

1. The Superior Court did not abuse its discretion by treating Rollins's letter as a motion for modification or reduction of sentence under Superior Court Criminal Rule 35(b) and denying it as untimely.
2. Rollins was eligible for habitual-offender sentencing despite strangulation not being listed as a violent felony under § 4201(c). The omission meant only that the Superior Court was not required to impose a five-year minimum mandatory Level V sentence for the second strangulation count; it did not make Rollins ineligible for habitual-offender status.
3. Rollins was not entitled to relief under § 4217 because sentence modification under that provision may be sought solely on the basis of an application filed by the Department of Correction, and the Department was not required to file such an application.

KEY QUOTATIONS

“Section 4217 provides for a modification of sentence “solely on the basis of an application filed by the Department of Correction.”” (3)

FACTUAL BACKGROUND

Rollins pleaded guilty to two counts of strangulation in exchange for dismissal of multiple other charges and an agreement that the State would seek habitual-offender sentencing on only one count. The Superior Court imposed a ten-year habitual-offender sentence on one count and a five-year sentence, suspended after two years, on the other. In 2021, Rollins argued that strangulation was not a violent felony at the relevant time and therefore could not support habitual-offender sentencing, and he sought relief under 11 Del. C. § 4217.

PROCEDURAL HISTORY

Rollins pleaded guilty to two counts of strangulation and was sentenced in January 2015, including a ten-year habitual-offender sentence on one count and a five-year sentence suspended after two years on the other. The Delaware Supreme Court affirmed his conviction and sentence on direct appeal and later affirmed denial of postconviction relief. In 2021, Rollins sought immediate release and argued that his sentence was illegal and that the Department of Correction improperly denied sentence modification under 11 Del. C. § 4217. The Superior Court treated his filing as a motion under Superior Court Criminal Rule 35(b), denied it as untimely, and Rollins appealed.

DISPOSITION

affirmed

CASES CITED

- Rollins v. State, 2015 WL 5032041 (Del. Aug. 25, 2015)
- Rollins v. State, 2018 WL 5044333 (Del. Oct. 16, 2018)
- Bengé v. State, 101 A.3d 973, 976-77 (Del. 2014)
- Patton v. State, 2021 WL 4936949, at *2 (Del. Oct. 21, 2021)
- King v. State, 2015 WL 317128, at *2 (Del. Jan. 23, 2015)

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