

SUPREME COURT OF THE STATE OF DELAWARE

Miles v. State

Miles · No. No. 346, 2022 · Decided July 14, 2023

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Tyrone Miles’s petition for sentence modification under 11 Del. C. § 4214(f). The Court held that Miles’s 2009 habitual-offender sentence was lawful because his prior attempted PWITD convictions qualified as predicate felonies under the version of Section 4214(b) in effect when the conduct occurred, and it found no arguably appealable issue under Supreme Court Rule 26(c).

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr., Chief Justice; Karen L. Valihura, Justice; Gary F. Traynor, Justice
JURISDICTION	Delaware
DECIDED	July 14, 2023
DOCKET	No. 346, 2022
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of Delaware's denial of an eligible habitual offender's petition for sentence modification under 11 Del. C. § 4214(f), considered under Supreme Court Rule 26(c).
STANDARD OF REVIEW	The Supreme Court independently reviews the record under Rule 26(c) to determine whether counsel made a conscientious examination and whether the appeal is wholly devoid of arguably appealable issues. The denial of a sentence-modification motion under 11 Del. C. § 4214(f) is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; no separate reporter citation appears in the provided text.
PARTIES	Tyrone A. Miles v. State of Delaware

TOPICS

- sentence modification
- sentencing
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

sentencing

appellate procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by denying Miles's petition for sentence modification under 11 Del. C. § 4214(f).
2. Whether Miles's 2009 habitual-offender sentence was illegal because attempted possession with intent to deliver cocaine would not qualify as a predicate felony under the current version of the habitual-offender statute.
3. Whether counsel satisfied the requirements for withdrawal under Delaware Supreme Court Rule 26(c) because the appeal presented no arguably appealable issue.

HOLDINGS

1. The Superior Court did not abuse its discretion in denying Miles's petition because § 4214(f) permits, but does not require, sentence modification for an eligible petitioner.
2. Miles's sentence was not illegal because the legality of the habitual-offender enhancement was determined under the version of the statute in effect when he committed the felony triggering enhanced sentencing, and attempted possession with intent to deliver cocaine was a predicate felony under the statute in effect in 2007.
3. Counsel satisfied Rule 26(c), and withdrawal was appropriate because counsel conscientiously examined the record and law and the appeal was wholly without merit and devoid of any arguably appealable issue.

KEY QUOTATIONS

“An abuse of discretion occurs when a court has exceeded the bounds of reason in view of the circumstances or so ignored recognized rules of law or practice as to produce injustice.” (4)

FACTUAL BACKGROUND

In 2009, a Superior Court jury found Tyrone Miles guilty of attempted first-degree murder and possession of a firearm during the commission of a felony. The court sentenced him to mandatory life imprisonment as a habitual offender based on two prior convictions for attempted possession with intent to deliver cocaine, which qualified as predicate felonies under the version of 11 Del. C. § 4214(b) in effect in 2007. After later becoming eligible to seek sentence modification under § 4214(f), Miles petitioned for modification, but the Superior Court concluded that a natural-life sentence remained appropriate given the circumstances of the attempted-murder conviction.

PROCEDURAL HISTORY

Miles was convicted in 2009 of attempted first-degree murder and possession of a firearm during the commission of a felony and received a mandatory life sentence as a habitual offender under then-extant 11 Del. C. § 4214(b). After his 2018 motion to correct an illegal sentence was denied and affirmed, the Superior Court

granted Miles a certificate of eligibility to seek sentence modification under the current § 4214(f), but denied modification after a hearing. The Supreme Court reviewed counsel's Rule 26(c) motion to withdraw, Miles's supplemental arguments, and the record, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Miles v. State, 2009 WL 4114385 (Del. Nov. 23, 2009)
- Miles v. State, 2018 WL 4292206 (Del. Sept. 7, 2018)
- Penson v. Ohio, 488 U.S. 75, 81-83 (1988)
- McCoy v. Court of Appeals of Wisconsin, 486 U.S. 429, 442 (1988)
- Anders v. California, 386 U.S. 738, 744 (1967)
- Wehde v. State, 2020 WL 1814046, at *2 (Del. Apr. 7, 2020)
- Lilly v. State, 649 A.2d 1055, 1059 (Del. 1994)
- Butcher v. State, 171 A.3d 537, 543 (Del. 2017)