

SUPREME COURT OF THE STATE OF DELAWARE

Schmidt v. State

No. 596, 2015 (Del. Apr. 15, 2016) · No. No. 596, 2015 · Decided April 15, 2016

SUMMARY

The Delaware Supreme Court affirmed the denial of John H. Schmidt, Jr.'s motion to modify his sentence under Superior Court Criminal Rule 35(b). The Court held that Schmidt did not identify error in the Superior Court's ruling and that his request for an order requiring the Department of Correction to file a sentence-reduction application effectively sought mandamus relief, which the Court lacked jurisdiction to issue.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Valihura, Justice; Holland, Justice; Vaughn, Justice
JURISDICTION	Delaware
DECIDED	April 15, 2016
DOCKET	No. 596, 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of a motion for modification of sentence under Superior Court Criminal Rule 35(b). The State moved to affirm, and the Supreme Court granted the motion and affirmed.
STANDARD OF REVIEW	Denial of a motion for modification of sentence is reviewed for abuse of discretion; legal questions are reviewed de novo.
PRECEDENTIAL VALUE	Published Delaware Supreme Court per curiam order
PARTIES	John H. Schmidt, Jr. v. State of Delaware

TOPICS

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

PRACTICE AREAS

- Criminal procedure
- Sentencing
- Appellate procedure
- Post-conviction relief
- Remedies

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by denying Schmidt's untimely Rule 35(b) motion for sentence modification.
2. Whether Schmidt could obtain an order compelling the Department of Correction to file an application for sentence modification under 11 Del. C. § 4217.
3. Whether the Supreme Court had jurisdiction to issue a writ of mandamus against the Department of Correction.

HOLDINGS

1. The Superior Court properly denied Schmidt's motion because it was filed more than ninety days after sentencing and Schmidt did not establish extraordinary circumstances or satisfy the statutory procedure under 11 Del. C. § 4217.
2. The Supreme Court lacked jurisdiction to issue a writ of mandamus to the Department of Correction, and Schmidt had not established a basis for compelling the Department to file a § 4217 application.

KEY QUOTATIONS

“Superior Court Criminal Rule 35(b) provides that a motion for reduction of sentence that is not filed within ninety days of sentencing (such as Schmidt’s motion) will only be considered in extraordinary circumstances or pursuant to 11 Del. C. § 4217.” (at 2)

“It is within the discretion of the Department of Correction to apply for modification of an inmate’s sentence under Section 4217.” (at 3)

FACTUAL BACKGROUND

Schmidt pleaded guilty to seven robbery counts in 2002 and received thirty-one years of Level V incarceration, suspended after twenty years for decreasing levels of supervision. More than ninety days after sentencing, he sought sentence modification under Rule 35(b), relying on his rehabilitation, exemplary prison conduct, unsuccessful efforts to obtain commutation, and the Department of Correction's failure to submit an application under § 4217. The Superior Court concluded that the motion was untimely and that the asserted rehabilitation and conduct did not constitute extraordinary circumstances.

PROCEDURAL HISTORY

Schmidt pleaded guilty in 2002 to six counts of first-degree robbery and one count of second-degree robbery and received a thirty-one-year Level V sentence, suspended after twenty years for decreasing levels of supervision. He did not appeal the judgment. In 2015, he moved under Rule 35(b) for sentence modification based on rehabilitation, exemplary conduct, unsuccessful clemency efforts, and the Department of Correction's failure to seek relief under 11 Del. C. § 4217. The Superior Court denied the motion, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Weber v. State, 2015 WL 2329160, at *1 (Del. May 12, 2015)
- In re Anderson, 2015 WL 5275853, at *1 (Del. Sept. 9, 2015)
- King v. State, 2015 WL 317128, at *2 (Del. Jan. 23, 2015)
- Morgan v. State, 2012 WL 3115539, at *1 (Del. July 31, 2012)

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