

SUPREME COURT OF THE STATE OF DELAWARE

Speese v. State

Speese · No. No. 184, 2016 · Decided September 29, 2016

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s judgment revoking Vernon Speese’s probation and imposing Level IV Work Release followed by probation. The court held that SENTAC guidelines are nonbinding and that the sentence was within the authorized statutory limits and was not shown to be arbitrary or excessive.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Holland, Justice; Valihura, Justice; Vaughn, Justice
JURISDICTION	Delaware
DECIDED	September 29, 2016
DOCKET	No. 184, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's order sentencing Speese for a violation of probation; the State moved to affirm under Delaware's summary affirmance procedure.
STANDARD OF REVIEW	The appeal was subject to summary affirmance because it was manifest on the face of the appellant's opening brief that the appeal was without merit. The sentence was reviewed for whether it was within statutory limits and whether the appellant showed that it was arbitrary or excessive.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Vernon Speese v. State of Delaware

TOPICS

- sentencing
- probation
- appellate procedure
- criminal procedure
- remedies

PRACTICE AREAS

- Criminal procedure
- Sentencing
- Probation
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the Superior Court was required to sentence Speese to Level III probation under the SENTAC guidelines after finding a violation of probation.
2. Whether Speese's violation-of-probation sentence was arbitrary or excessive because it exceeded the SENTAC guideline recommendation.

HOLDINGS

1. The SENTAC guidelines are nonbinding and do not provide a basis for appealing a sentence that falls within the authorized statutory limits.
2. After a violation of probation, the Superior Court may impose any period of incarceration up to and including the balance of the Level V time remaining on the sentence; Speese's sentence was within the authorized statutory limits and he failed to show that it was arbitrary or excessive.

KEY QUOTATIONS

“It is well-settled that the SENTAC guidelines are non-binding and do not provide a basis for appeal of a sentence that is within the authorized statutory limits.” (¶ 4)

“Once Speese committed a VOP, the Superior Court could impose any period of incarceration up to and including the balance of the Level V time remaining on Speese’s sentence.” (¶ 4)

FACTUAL BACKGROUND

Speese pleaded guilty to two counts of Home Improvement Fraud and two counts of Theft in April 2014. His sentences were suspended for probation. In January 2016, a capias issued for his third violation of probation based in part on failures to report to his probation officer and verify attendance at substance-abuse treatment meetings. The Superior Court found a violation and imposed Level IV Work Release followed by probation, along with suspended Level V sentences on the remaining counts.

PROCEDURAL HISTORY

Speese pleaded guilty in the Superior Court to two counts of Home Improvement Fraud and two counts of Theft and received Level V sentences suspended for probation. After his third alleged violation of probation, the Superior Court found a violation and imposed, among other terms, eight months of Level IV Work Release followed by Level II probation. Speese appealed, arguing that the sentence should have followed the SENTAC guidelines, and the Supreme Court affirmed on the State's motion to affirm.

DISPOSITION

affirmed

CASES CITED

- Siple v. State, 701 A.2d 79, 83 (Del. 1997)
- Pavulak v. State, 880 A.2d 1044, 1046 (Del. 2005)

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