

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BYRON D. TAYLOR,	§	
	§	Nos. 267 & 312, 2012
Defendant Below,	§	
Appellant,	§	(CONSOLIDATED)
	§	
v.	§	Court Below–Superior Court of
	§	the State of Delaware in and for
STATE OF DELAWARE,	§	Sussex County
	§	Cr. ID Nos. 1012017017
Plaintiff Below,	§	1105022284
Appellee.	§	

Submitted: January 24, 2013

Decided: April 10, 2013

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**O R D E R**

This 10<sup>th</sup> day of April 2013, upon consideration of the opening brief filed by the appellant and the motion to affirm filed by the appellee, it appears to the Court that:

(1) At a violation of probation (“VOP”) hearing held on April 17, 2012, the appellant, Byron D. Taylor, admitted that he had violated his probation. Based on that admission, the Superior Court revoked Taylor’s probation and sentenced him. This appeal followed.

(2) It is manifest on the face of Taylor’s opening brief that this appeal is without merit. On appeal, Taylor does not challenge his VOP conviction and/or sentencing on April 17, 2012. Instead, Taylor challenges

the validity of guilty pleas that he entered into on May 16, 2011<sup>1</sup> and November 23, 2011.<sup>2</sup> Taylor's claims, arising from his prior guilty pleas on May 16, 2011 and November 23, 2011, are not justiciable in this appeal from his April 17, 2012 VOP conviction and sentencing.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

---

<sup>1</sup> *State v. Taylor*, Del. Super., Cr. ID No. 1012017017.

<sup>2</sup> *State v. Taylor*, Del. Super., Cr. ID No. 1105022284.

<sup>3</sup> *See, e.g., Sewell v. State*, 2003 WL 22839962 (Del. Supr.) (concluding that right to counsel claim arising from prior, appealable 2001 VOP adjudication was not justiciable in subsequent 2003 appeal from denial of sentence modification motion); *Strawley v. State*, 2002 WL 86687 (Del. Supr.) (concluding that challenge arising from prior, appealable VOP proceeding was untimely in subsequent appeal from denial of sentence correction motion (citing *Carr v. State*, 554 A.2d 778 (Del. 1989))).