

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. Henley Graves
Resident Judge

SUSSEX COUNTY COURTHOUSE
THE CIRCLE
P.O. BOX 746
GEORGETOWN, DE 19947
(302) 856-5257

July 1, 2004

Edward C. Gill, Esquire
16 N. Bedford Street
P. O. Box 824
Georgetown, DE 19947-0824

RE: State v. Christopher Styers
Defendant ID No. 0009016234

Dear Mr. Gill:

Based upon your correspondence of June 22, 2004 reporting that the Supreme Court appeal was voluntarily dismissed, I have undertaken to review Mr. Styers' Motion for Modification of Sentence. I have studied it, as well as the Court's files containing the TASC reports and his probation reports.

As one of the reasons for a modification of sentence, you report "That the entirety of the probation violation was missing two appointments". You then review the reasons as to why the sentence should be modified.

A review of the violation of probation report indicates that it was more than missing two appointments which caused your client to be in violation of probation. He missed a TASC appointment on February 12, 2004. He missed a probation appointment on February 17, 2004. He failed to come to Court for a status hearing on February 20, 2004, at which time the Court issued a *capias*. The report also notes that Mr. Styers had been ordered to go to the Oxford House in an attempt to gain residency there. The report notes that when he went for his interview, he told the staff that he was only there pursuant to the Court Order and did not want to be there. The probation officer noted that he "self-sabotaged" the admission process.

As the Court's file notes and as the probation report notes, this was Mr. Styers' 6th violation of probation. He continued to fail in dealing with his addiction. The recommendation by the probation department was 90 days Level 4 VOP, followed by 18 months probation because probation at that time thought that Mr. Styers would not comply with any treatment and therefore ordering him into a program would be a waste of time and state resources.

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TASC noted his resistance to treatment by way of his failure to follow up with Thresholds to address substance abuse and mental health needs. TASC noted "TASC believes that Mr. Styers does not want to make the necessary lifestyle changes to break his addictive cycle". TASC also recommended that he serve a period of incarceration followed by probation and that TASC be removed from monitoring him.

I concluded that Mr. Styers' failure to address his substance abuse and addiction problems created a community risk. Noting that he had been before the Court on numerous occasions and we failed to get his attention with lesser sanctions, I ordered that he successfully complete the short term Key program, followed by CREST. I am satisfied that Mr. Styers needs a residential component for his treatment and that the best residential program for him at this time is the Key-Crest continuum, followed by Level 3 Aftercare.

Therefore, the Motion for Modification of Sentence is denied.

IT IS SO ORDERED.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary
Department of Justice