

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS NORRIS,)
) No. 27, 2008
 Defendant Below,)
 Appellant,) Court Below: Superior Court
 v.) of the State of Delaware in
) and for New Castle County
)
 STATE OF DELAWARE,) Cr. No. 0607020144
)
 Plaintiff Below,)
 Appellee.)

Submitted: May 14, 2008

Decided: July 3, 2008

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

ORDER

This 3rd day of July 2008, it appears to the Court that:

(1) Thomas Norris, defendant-appellant, appeals a sentencing order that included as a condition of his probation a prohibition from having any contact with, or residing in, the City of Wilmington, except to attend any legal proceedings. Norris argues that the Superior Court judge abused his discretion by overstepping his authority creating an unconstitutional condition of probation.

(2) Norris's argument overlooks the routine procedure that would allow him to seek permission from his probation officer to enter Wilmington for good cause shown. If the probation officer denied Norris's request, Norris could still request permission from a Superior Court judge to enter Wilmington for good

cause. The only true effect of this condition of probation is that Norris must seek permission, rather than have an unfettered right, to enter Wilmington.

(3) 11 *Del. C.* § 4204(m) provides sentencing judges with broad authority to impose sentence conditions. The Third Circuit foreclosed any argument based on constitutional grounds so long as a probation condition “is narrowly tailored and is directly related to deterring [the probationer] and protecting the public.”¹ Moreover, the Third Circuit, faced with an argument that a probation condition was a “greater deprivation of liberty than [was] reasonably necessary,” determined that a probationer could be restricted from entering two counties in Pennsylvania because “the territorial limitation [was] clearly intended to promote rehabilitation by keeping her away from the influences that would most likely cause her to engage in further criminal conduct.”²

(4) Here, the sentencing judge determined it was in Norris’s and the public’s best interest to exclude him from Wilmington. However, Norris can always seek accommodation from his probation officer or a Superior Court judge for good cause. Thus, we conclude that the judge properly exercised his discretion when he limited the circumstances in which Norris could enter Wilmington.

¹ *U.S. v. Crandon*, 173 F.3d 122, 128 (3rd Cir. 1999).

² *U.S. v. Sicher*, 239 F.3d 289, 292 (3rd Cir. 2000).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice