

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CORNELIUS B. WRIGHT,	§
	§ No. 549, 2010
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0907014921
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 15, 2010
Decided: December 8, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 8th day of December 2010, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The defendant-appellant, Cornelius B. Wright, filed an appeal from the Superior Court’s August 19, 2010 violation of probation (“VOP”) sentencing order. The plaintiff-appellee, the State of Delaware, has moved to affirm the Superior Court’s judgment on the ground that it is manifest on

the face of the opening brief that the appeal is without merit.¹ We agree and affirm.

(2) The record before us reflects that, in March 2003, Wright pleaded guilty to Robbery in the First Degree, Robbery in the Second Degree and Possession of a Firearm During the Commission of a Felony. On the first robbery conviction, he was sentenced to ten years at Level V, to be suspended after two years for eight years at Level IV Halfway House, itself to be suspended after six months for decreasing levels of supervision. On the second robbery conviction, he was sentenced to three years at Level V, to be suspended for three years at Level III probation. On the weapon conviction, he was sentenced to three years at Level V.

(3) On August 19, 2010, the Superior Court found that Wright had committed a VOP with respect to his 2003 robbery and weapon violation sentences by absconding from custody.² For violating his robbery probation, Wright was sentenced to three years at Level V. He was discharged as unimproved on his weapon violation sentence.

(4) In this appeal from the Superior Court's August 19, 2010 VOP sentencing order, Wright claims that the Superior Court abused its discretion

¹ Supr. Ct. R. 25(a).

² Wright previously was found to have committed VOPs in July 2007, March 2008, August 2008 and December 2009.

by not permitting him to offer mitigating circumstances at the VOP hearing regarding why he absconded from custody, which would have supported a lesser sentence.

(5) As the appellant in this matter, Wright bears the responsibility of providing whatever supporting documentation is necessary for this Court to review his claim.³ In this appeal, Wright had the responsibility of providing to this Court the transcript of his sentencing hearing. His failure to do so precludes our appellate review of his claim of an abuse of discretion at the VOP hearing on the part of the sentencing judge.⁴

(6) It is manifest on the face of the opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

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

BY THE COURT:

/s/ Randy J. Holland
Justice

³ Supr. Ct. R. 9(e)(ii) and 14(e).

⁴ *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987). The docket reflects that the Clerk notified Wright that he had to either apply for the transcript at State expense or arrange for payment himself with the court reporter. The docket also reflects that the court reporter notified Wright of the cost of transcription, but that Wright took no steps to obtain the transcript.