

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DOMINGO RODRIGUEZ,	§
	§
Defendant Below-	§ No. 84, 2014
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0909018198
Plaintiff Below-	§
Appellee.	§

Submitted: March 17, 2014

Decided: April 16, 2014

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

ORDER

This 16th day of April 2014, upon consideration of the appellant’s opening brief, the State’s motion to affirm, and the record below, it appears to the Court that:

(1) The defendant-appellant, Domingo Rodriguez, filed this appeal from a Superior Court order sentencing him for a violation of probation (VOP). The State has filed a motion to affirm the Superior Court’s judgment on the ground that it is manifest on the face of Rodriguez’s opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that, in February 2010, a Superior Court jury convicted Rodriguez of one count of Assault in the Second Degree. In June 2010,

the Superior Court sentenced Rodriguez to eight years at Level V incarceration to be suspended after serving two years and six months in prison for decreasing levels of supervision. In May 2013, Rodriguez was charged with a VOP. Following a hearing on May 22, 2013, the Superior Court found Rodriguez in violation of his probation and sentenced him to five years at Level V incarceration to be suspended entirely for nine months at Level III probation. In February 2014, Rodriguez again was charged with a VOP. After a hearing, the Superior Court again found Rodriguez in violation and sentenced him to five years at Level V incarceration to be suspended for one year at Level IV Home Confinement to be suspended after six months at Level IV for one year of probation. Rodriguez appeals this sentence.

(3) Rodriguez's opening brief on appeal is a collection of documents, many which bear no discernible relationship to the VOP proceeding on appeal. While we afford pro se litigants some degree of leniency in fulfilling the Court's briefing requirements, an appellant's brief, at the very least, must set forth some argument that is capable of review.¹ In this case, the Court can discern no legal argument in Rodriguez's filing that is capable of review. Moreover, Rodriguez failed to provide the Court with a copy of the transcript of the VOP proceeding. As the Court has held many times, the failure to include adequate transcripts of the

¹ *Yancey v. Nat'l Trust Co.*, 1998 WL 309819 (Del. May 19, 1998).

proceedings, as required by the rules of the Court, precludes appellate review of any claim of error in the proceedings below.²

(4) To the extent, as the State assumes, that Rodriguez is contending that the Superior Court had no jurisdiction over him because of his alleged status as a “Moorish American National Sovereign,” we find no merit to that contention. The Superior Court has jurisdiction over defendants who are tried for crimes committed in Delaware.³ Furthermore, the Superior Court retains jurisdiction to adjudicate alleged violations of previously imposed probationary sentences.⁴

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

BY THE COURT:

/s/ Randy J. Holland
Justice

² *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987).

³ See *Brown v. State*, 2005 WL 1950213 (Del. July 19, 2005) (citing *Nevada v. Hicks*, 533 U.S. 353 (2001)).

⁴ DEL. CODE ANN. tit. 11, § 4333(h) (2007).