

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN W. JONES,	§
	§ No. 598, 2015
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§ Cr. ID Nos. 0608001068,
	§ 0208000381, and 0006013606
Plaintiff Below-	§
Appellee.	§

Submitted: November 20, 2015
Decided: January 12, 2016

Before **STRINE**, Chief Justice; **VALIHURA**, and **SEITZ**, Justices.

ORDER

This 12th day of January 2016, 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, Kevin Jones, filed this appeal from the Superior Court’s order sentencing him for violating three different probationary sentences. Jones concedes that he violated probation. His only argument on appeal is that the Superior Court had a closed mind when it sentenced him to three consecutive one-year terms of imprisonment. Jones requests that his VOP

sentences be modified to run concurrently. We find no merit to Jones's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) A judge sentences a defendant with a closed mind when the sentence is based upon a preconceived bias rather than consideration of the nature of the offense and the character of the defendant.¹ In this case, Jones's allegation of a closed mind is purely conclusory. His opening brief identifies no specific comments made by the judge indicative of a closed mind. Moreover, the transcript of the sentencing hearing reflects that the judge considered Jones's criminal history and the serious nature of his most recent VOP (which led to Jones pleading guilty to new criminal charges) before sentencing him. The judge actually sentenced Jones to less prison time than requested by the State. Under the circumstances, we find no support for Jones's allegation that the Superior Court sentenced him with a closed mind.

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice

¹ *Weston v. State*, 832 A.2d 742, 746 (Del. 2003).