

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHELLE PARK,

§

§

No. 566, 2018

Defendant Below,

§

Appellant,

§

Court Below: Superior Court
of the State of Delaware

§

v.

§

§

Cr. ID Nos. N1710011027

STATE OF DELAWARE,

§

§

Plaintiff Below,

§

Appellee.

§

Submitted: May 15, 2019

Decided: May 20, 2019

Corrected: June 10, 2019

Before **STRINE**, Chief Justice; **VAUGHN** and **TRAYNOR**, Justices.

ORDER

This 20th day of May 2019, after careful consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The Superior Court's October 30, 2018 sentence order should be affirmed on the basis of and for the reasons stated in its sentencing decision announced in open court on October 30, 2018.

(2) The Superior Court did not err when it sentenced Park to five-months of Level V incarceration, well below the maximum sentence allowed for a third-offense driving-under-the-influence conviction but two months longer than the State had recommended.

(3) Although the sentencing judge initially indicated that she would follow the State's recommendation, subsequent remarks by Park led the court to conclude that Park did not appreciate the seriousness of the offense. We are in no position to second-guess the Superior Court's evaluation of Park's demeanor and its interpretation of Park's statements at her sentencing hearing.

NOW, THEREFORE, IT IS ORDERED that the Superior Court's October 30, 2018 sentence order is AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor _____

Justice