

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GARY A. CRAWFORD,	§	
	§	No. 594, 2002
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware, in
v.	§	and for Kent County in
	§	Cr. A. Nos. IK00-12-0243
STATE OF DELAWARE,	§	& 0244, IK01-01-0168.
	§	
Plaintiff Below,	§	
Appellee.	§	Def. ID No. 0011014806

Submitted: December 27, 2002

Affirmed: March 25, 2003

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices.

ORDER

This 25th day of March 2003, 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 appellant, Gary Crawford, filed this appeal from an order of the Superior Court denying a motion for reduction of sentence.¹ The State of Delaware has moved to affirm the judgment of the Superior Court on the ground that it is manifest on the face of Crawford’s opening brief that the appeal is without merit. We agree and affirm.

¹Super Ct. R. 35(b).

(2) In June 2001, Crawford pleaded guilty to one count of Rape in the Third Degree, as a lesser-included offense of Rape in the First Degree, and two counts of Sexual Exploitation of a Child. After a pre-sentence investigation, Crawford was sentenced to a total of thirty years at Level V incarceration, suspended after nine years for decreasing levels of probation. On direct appeal, Crawford's conviction and sentence were affirmed pursuant to Supreme Court Rule 26(c).²

(3) On December 19, 2001, while Crawford's case was on direct appeal, Crawford's counsel filed a motion for reduction of sentence in the Superior Court.³ The motion argued that Crawford suffered from a "mental condition" and needed a reduction in his sentence to address his treatment needs. By order dated September 30, 2002, the Superior Court denied Crawford's motion. This appeal followed.

(4) In his opening brief on appeal, Crawford contends that the Superior Court (i) when sentencing Crawford, considered a prior ten-year old felony assault conviction, in violation of a SENTAC policy; (ii) used a pre-printed form of order to deny the sentence reduction motion, in violation of

²*Crawford v. State*, 2002 WL 1316246 (Del. Supr.)

³By order dated January 14, 2002, the Superior Court deferred acting on the motion for reduction of sentence until the case was returned from the Supreme Court.

Crawford's right of due process; and (iii) abused its discretion when it failed to consider Crawford's *pro se* sentence reduction motion. Crawford's claims are without merit.

(5) Crawford's claim that the Superior Court violated a SENTAC policy is unavailing. The Superior Court's alleged failure to follow the nonbinding SENTAC guidelines when sentencing Crawford is no basis for appeal.⁴

(6) Crawford has not demonstrated that the Superior Court's use of a pre-printed form of order violated his right of due process or otherwise prejudiced Crawford's ability to present his claims on appeal. Under the circumstances of this case, the order adequately sets forth the Superior Court's reasons for denying the motion⁵ and allows for appellate review.⁶

(7) Crawford complains that the Superior Court abused its discretion when it did not consider his *pro se* sentence reduction motion.⁷ Crawford's

⁴*Mayes v. State*, 604 A.2d 839, 846 (Del. 1992).

⁵The disposition is as follows: "The sentence is appropriate for all the reasons stated at the time of sentencing. No additional information has been provided to the Court which would warrant a reduction or modification of this sentence."

⁶*But see Husband v. Wife*, 399 A.2d 847 (1999) (remanding case for the limited purpose of having the trial judge give reasons for the decision).

⁷The record reflects that Crawford's counsel filed the initial sentence reduction motion on December 19, 2001. Two days later, on December 21, 2001, Crawford filed a *pro*

claim is without merit. Crawford was represented by counsel, who filed a sentence reduction motion on his behalf in the Superior Court. The Superior Court was not required also to consider a similar *pro se* motion filed by Crawford.⁸

(8) This Court reviews a denial of a motion for reduction of sentence for an abuse of discretion.⁹ We have reviewed the record and conclude that, on the face of Crawford’s opening brief, the appeal is without merit. Crawford has not demonstrated that the Superior Court imposed a sentence beyond the maximum authorized by law or otherwise abused its discretion when imposing the sentence.¹⁰

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

se “Motion to Defer Ruling on Motion for Reduction/Modification of Sentence.” Crawford asked that the Superior Court defer ruling on the sentence reduction motion to allow him the opportunity to submit “facts and documents relative to defendant’s positive correctional experience and defendant’s efforts at exceptional rehabilitative achievements.”

⁸*In the Matter of Haskins*, 551 A.2d 65, 66-67 (Del. 1988).

⁹*Shy v. State*, 246 A.2d 926 (1968).

¹⁰*Mayes v. State*, 604 A.2d 839, 842 (1992).