

SUPERIOR COURT
OF THE
STATE OF DELAWARE

JEROME O. HERLIHY
JUDGE

DANIEL L. HERRMANN
COURT HOUSE
WILMINGTON, DE 19801-3353

January 29, 2002

Mr. Carter Chase
#204341
Sussex Correctional Institution
P. O. Box 500
Georgetown, DE 19947

RE: *State v. Carter A. Chase*
ID No. 950700159

Dear Mr. Carter:

Because you were discharged from Key due to a disciplinary infraction, you have asked me to modify your sentence. You want instead to be put on home confinement or sent to the Recovery Center of Delaware.

You are serving a sentence which I imposed on February 16, 2001 for violation of probation. The sentence was for two years at level 5 and you were to enter the Key Program. Upon successful completion of the program, the balance of your sentence was to be suspended for probation at level 3.

Sometime while in Key, however, the Department of Correction determined you broke a rule or rules. You were removed, as a result, from Key and returned to level 5. Your motion cites to the recent case of *Nelson v. State*¹ as authority that I should conduct a hearing to determine if, in fact, the disciplinary infraction(s) was valid or a valid basis for your removal from Key.

In *Nelson*, for reasons which cannot be fathomed, the Supreme Court stepped on the *very* slippery slope of suggesting this Court will have to engage in micro managing Key, TASC, RCOD and other treatment programs.

¹Del.Supr., No. 64, 2001, Holland, J. (September 5, 2001).

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This Court, however, will abide by the traditional Supreme Court precedent that the courts will not engage in this kind of oversight.² Further, your choice was to successfully complete Key or serve all your two-year sentence (less any appropriate good time) at level 5.

CONCLUSION

For the reasons stated herein, your motion for modification of sentence is **DENIED.**

IT IS SO ORDERED.

Sincerely,

JOH/bsb
cc Prothonotary
Investigative Services

²*Bagwell v. Prince*, Del.Supr., No. 141, 1996, Hartnett, J. (August 9, 1996);
Winward v. Taylor, Del.Supr., No. 454, 2001, Holland, J. (December 12, 2001).