

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE : Case No. 0405023609  
Vs. : C. A. No. 04-06-0223CR  
CARRIE C. DIXON :

**ORDER**

On March 4, 2005 the Court held a Review of Sentence hearing in the above-captioned matter. Defendant Carrie C. Dixon was present. Ms. Jackie Wade, TASC Case Manager, presented information to the Court regarding defendant's progress while at Level V. The Court reserved decision.

A review of the history of defendant's sentence in this matter is necessary to put the present review in context: On June 3, 2004 defendant plead guilty to one charge of Conspiracy 3<sup>rd</sup>, and was initially sentenced to one year at Level V, suspended for one year of Level II probation. On June 21, 2004 the Court returned a violation of probation administrative warrant issued upon the defendant, for committing new offenses and failing to report police contact. As a result of the violation, defendant was re-sentenced to one year at Level V, suspended for Level IV Residential Treatment (CREST) up to one year, upon successful completion the balance suspended for Level III aftercare.

On August 26, 2004, the Court received another administrative warrant issued against the defendant. That warrant alleged that "after comprehensive

mental health and psychiatric evaluations,” the DOC determined that the defendant was not mentally able to complete the CREST program. It further informed the Court that, on August 20, 2004 defendant had been discharged from CREST and was then held at Level V at BWCI.

On August 31, 2004 the Court returned the administrative warrant and held a hearing. As a result, it suspended the balance of defendant’s Level V time for Level III probation, with TASC monitoring, and requested a recommendation from TASC for further treatment within 45 days.

However, on October 12, 2004, the Court received yet another administrative warrant alleging that defendant failed to report to probation or TASC after her release from BWCI, and tested positive for cocaine upon apprehension. As a result, the Court resentenced defendant to one year at Level V, with credit for time served, the balance to be served in the Level V Key Village program; upon successful completion the balance was suspended for Level III aftercare.

On February 10, 2005 the Court was informed via e-mail that defendant had been “deemed inappropriate” for the Key Village program, and had been administratively placed in the Harbor Program. However, the Court was further informed, defendant was discharged from the Harbor Program on January 24, 2005 due to “inappropriate behaviors.” According to a February 10, 2005 letter from a BWCI counselor to TASC presented at the Court’s March 4, 2005 hearing, defendant was discharged from the Village program on November 24, 2004, and

transferred to the Harbor Program, all without request for sentence modification, or even contemporaneous notice to the Court.

At the March 4 hearing, TASC recommended that defendant be ordered for a minimum sixty day psychiatric evaluation at Delaware Psychiatric Center, so that TASC could “make the appropriate treatment recommendation.”

At this point, however, the Court is concerned with the TASC recommendation for several reasons. First, the Court was previously informed that the DOC had already had “comprehensive mental health and psychiatric evaluations” performed on defendant in August, 2004. Further, the defendant is currently under the treatment of a psychiatrist and receiving three psychiatric medications at BWCI. Finally, defendant’s maximum Level V release date is September 9, 2005. If the Court were to order the minimum sixty day DPC evaluation, it is likely that by the time the report is received and a review hearing scheduled, defendant will have less than three months of Level V time remaining upon her sentence. That amount of Level V time is insufficient to implement a treatment plan for defendant, especially if her psychiatric problems are as severe as TASC suspects.

Defendant has already served much more Level V time on this sentence than the Court would order a defendant to serve without extreme aggravating circumstances. The only pertinent circumstance here is defendant’s psychiatric condition, and it does not justify continued incarceration.

Accordingly, it is the Order of the Court that defendant undergo a psychiatric evaluation by DPC while at Level V, that she be transported to DPC forthwith, and that such evaluation be completed within fourteen (14) days of the date of this Order. The evaluation shall address the issue of whether defendant's psychiatric condition is such that she should be subject to the filing of a petition for civil commitment. If so, such petition must be filed by the State within seven (7) days of the completion of the evaluation. If civil commitment is not recommended, or the petition is not filed as stated, then the balance of defendant's Level V time shall be suspended, and the defendant discharged unimproved.

**IT IS SO ORDERED THIS 10<sup>TH</sup> DAY OF MARCH, 2005.**

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**Kenneth S. Clark, Jr., Judge**

**cc: Deputy Attorney General  
BWCI  
Jackie Wade, TASC  
Carrie C. Dixon**