IN THE SUPREME COURT OF THE STATE OF DELAWARE

KRISTIE L. ECKENRODE,	§	
	§	No. 322, 2013
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
STATE OF DELAWARE,	§	
	§	Cr. A. No. 1208020040
Plaintiff Below,	§	
Appellee.	§	

Submitted: January 17, 2014
Decided: March 13, 2014

Before **HOLLAND, JACOBS** and **RIDGELY,** Justices.

O R D E R

This 13th day of March 2014, upon consideration of the parties' briefs and the Superior Court record, it appears to the Court that:

(1) On October 8, 2012, the appellant, Kristie L. Eckenrode, was indicted on charges of Unlawful Use of a Credit Card, Theft, and Forgery in the Second Degree. On January 14, 2013, Eckenrode pled guilty to Unlawful Use of a Credit Card and was sentenced to two years at Level V suspended for one year of probation.

(2) In May 2013, Eckenrode was charged with violating the terms of her probation ("VOP"). At a hearing on May 23, 2013, Eckenrode, through her counsel, admitted the violation, was adjudged guilty of VOP, and was sentenced to

two years at Level V suspended upon completion of inpatient drug treatment for probation. This appeal followed.

(3) On appeal, Eckenrode contends that her due process rights were violated at the VOP hearing when her probation officer reneged on a promise to recommend a reinstatement of probation, and the Superior Court denied her the opportunity to speak. Eckenrode also claims that the VOP sentence did not properly credit her with time she spent incarcerated in October and November 2012.

(4) Having carefully considered the parties' positions on appeal, the Court concludes that none of Eckenrode's claims has merit. The record does not support Eckenrode's due process claims. The transcript reflects that the probation officer felt constrained to recommend inpatient drug treatment for Eckenrode. It also reflects that Eckenrode directly addressed the Superior Court and was not precluded from speaking further at the hearing.

(5) In response to Eckenrode's claim that she is entitled to credit for time she spent incarcerated in October and November 2012, the State has included in its appendix a "Delaware Department of Correction Level 5 Time Served Report," which indicates that Eckenrode received credit for that period of time from the

Court of Common Pleas in a VOP sentence imposed in a different case. Eckenrode is not entitled to credit for time served against more than one sentence.[*]

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

[*] *See Villafane v. State*, 2013 WL 85194 (Del. Jan. 7, 2013) (citing Del. Code Ann. tit. 11, § 3901(c),(d)).