## IN THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

|                    | ) |                 |
|--------------------|---|-----------------|
| STATE OF DELAWARE, | ) |                 |
|                    | ) |                 |
| v.                 | ) | ID # 0711000078 |
|                    | ) |                 |
| JOHN R. LANDOLL,   | ) |                 |
| Defendant.         | ) |                 |

## **ORDER**

Submitted: May 6, 2013 Decided: August 23, 2013

## **Upon Defendant's Motion for Sentence Modification** – **DENIED**.

- 1. While Defendant was in a violation of probation center in Sussex County, he contacted his ex-girlfriend, resulting in aggravated harassment and noncompliance with conditions of bond charges. On December 10, 2007, Defendant pleaded guilty to two felonies and two misdemeanors.
- 2. At his February 15, 2008 sentencing, the court found Defendant a habitual offender without respect for boundaries. The court then sentenced him to 10 years, 6 months at Level V, suspended after 14 months, followed by decreasing probation levels. On April 25, 2008, the court denied Defendant's request for sentence reduction.

- 3. On May 27, 2009, the court found Defendant in violation of probation and sentenced him to 4 years, 6 months at Level V, suspended after 30 days, followed by GPS monitoring at Levels IV and III. Defendant's July 9, 2009 release quickly ended when the Delaware State Police arrested him on July 17, 2009, on suspicion of burglary.
- 4. On August 19, 2009, the court again found that Defendant violated his probation and ultimately imposed 10 months at Level IV, followed by 2 years at Level III. On March 8, 2010, based on Defendant's then-incarceration in Pennsylvania, the court denied Defendant's Motion for Sentence Modification.
- 5. On September 15, 2010, Defendant stood for his third violation of probation, which arose from his failure to report. The court found Defendant impulsive and incapable of accepting responsibility. The court sentenced Defendant to 4 years, 4 months at Level V, followed by decreasing levels of probation.
- 6. On December 12, 2010, Defendant filed a Motion for Sentence Modification. Reinforcing the court's September 15, 2010 finding that Defendant will not accept responsibility, Defendant claimed he was violated on a technicality. Defendant also alleged that he was without his medications, which he realized were vital to his rehabilitation. Defendant offered the court several sentence reduction "options," ultimately requesting, "at a minimum [...] a psychiatric evaluation" so he

could receive medication.

- 7. After back-and-forth between Defendant and the State, the court denied Defendant's Motion for Sentence Modification on April 12, 2011, finding the sentence appropriate. The court, however, did modify Defendant's sentence on November 2, 2011, and again on October 23, 2012, giving Defendant credit for time served.
- 8. Importantly, Defendant was considered for transition into the Superior Court's Mental Health Court program, but was denied in May 2012.
- 9. Now, Defendant again seeks sentence modification. This time, Defendant claims he is receiving neither medication nor proper mental health care. Further, Defendant continues to set terms, claiming work release would "do more harm than good," alleging that home confinement is better for "the court and the victim[s]" because GPS monitoring is the only way he will stay out of trouble.
- 10. As to Defendant's repetitive claim that he is without mental health assistance and medication. That is not so. The Mental Health Court judge's chambers have been in constant contact with DOC and the treatment provider, Connections, regarding Defendant's care. The court has been informed that Defendant is seen at least monthly for medication adjustments, far more frequently than the typical 60-90 day average. It appears that Defendant has received more

attention than others with even more severe problems. That aside, Defendant's complaints, questions, and concerns have not been ignored. Indeed, the mental health clinicians at DOC have been working with Defendant assiduously.

- 11. As the court has previously stated, Defendant is not new to the criminal system. Defendant's problems began early, complicated by mental health treatment as early as age seven. Based on Defendant's extensive record, it is in his best interest to complete his remaining sentence according to plan.
- 12. Further, the court is aware that once Defendant transfers from Level V to Level IV, his mental health needs will be addressed, despite his claims otherwise. Defendant's records will follow, with details regarding his mental health program. If, for some reason, his mental health is not cared for according to DOC's plan, Defendant can file an appropriate motion then.
- 13. Meanwhile, Defendant, a habitual offender, is serving time for his third violation of probation on this case. The court sees no reason to adjust Defendant's sentence, much less to force DOC to medicate Defendant as he sees fit. Again, Defendant is receiving more than his share of DOC's mental health treatment resources.

For the foregoing reasons, Defendant's latest motion for sentence modification is **DENIED**.

## IT IS SO ORDERED.

| /s/ Fred S | S. Silverman |  |
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| Judge      |              |  |

cc: Prothonotary (Criminal)
Maria Knoll, Deputy Attorney General
John R. Landoll, Defendant