IN THE SUPREME COURT OF THE STATE OF DELAWARE

CLAUDE LACOMBE,	§	
	§	No. 560, 2013
Defendant Below,	§	
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	
	§	Cr. I.D. No. 1201018188
Plaintiff Below,	§	
Appellee.	§	

Submitted: May 14, 2014
Decided: May 30, 2014

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

O R D E R

This 30th day of May 2014, on consideration of the briefs and arguments of the parties, it appears to the Court that:

1) Claude Lacombe appeals from the sentence imposed on him after pleading guilty to second degree murder, possession of a firearm during the commission of a felony, first degree attempted robbery and second degree conspiracy. The trial court sentenced Lacombe to natural life in prison for the murder.[1] His sole argument is that

[1] Lacombe also was sentenced to five years at Level V for the firearm charge, five years at Level V for the robbery charge, and two years at Level V, suspended for varying degrees of probation, for the conspiracy charge. Because Lacombe does not appeal from those sentences, we will not address them.

the life sentence violates the Eighth Amendment to the United States Constitution because it is grossly disproportional. We find no merit to this argument and affirm.

2) On December 26, 2012, Lacombe, his brother, Paul, Elijah Pressley and Christie Emmons participated in what they planned to be a robbery of two drug dealers. Lacombe and Emmons waited in Emmons' car while Paul and Pressley got into the victims' car. The victims apparently did not cooperate, and Paul shot and killed them. Lacombe and Paul agreed to plead guilty to reduced charges in lieu of trial. Paul pled guilty, but mentally ill, to one count of first degree murder. He was sentenced to life in prison. Lacombe pled guilty to one count of second degree murder and other related charges. The State recommended a 22 year sentence, but the trial court imposed a life sentence. The trial court noted that Claude was "a significant factor in the planning and determination of the events that transpired,"[2] and that Lacombe's "role . . . [was] fairly equal in different respects to that of [his] brother . . . ."[3]

3) This Court's jurisdiction to review a criminal sentence is very limited. The trial court has broad discretion to impose any sentence that does not exceed the statutory limits set by the General Assembly. To disturb a sentence, there must be a

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[2] Appellant's Appendix, A-23

[3] *Id.* at A-24.

showing of "unconstitutionality; factual predicates which are either false, impermissible or lack minimum indicia of reliability; judicial vindictiveness, bias, or sentencing with a 'closed mind;' [or] any other illegality."[4] Lacombe argues only that the sentence constitutes cruel and unusual punishment under the Eighth Amendment.

4) In *Crosby v. State*,[5] this Court established a two-part test for determining whether a sentence violates the Eighth Amendment:

> [T]his Court must undertake a threshold comparison of the crime committed and the sentence imposed. If such a comparison leads to an inference of gross disproportionality, then this Court must compare [the defendant's] sentence with other similar cases to determine whether the trial court acted out of step with sentencing norms.[6]

The *Crosby* Court noted that the grossly disproportional standard is very exacting and that only in a rare case will it be met.

5) Lacombe argues that his sentence was disproportionate because he received the same sentence as his brother, who was the shooter and who pled guilty to first degree murder. Lacombe, by contrast, did not shoot anyone and pled guilty to second degree murder. In addition, Lacombe points out that the State had recommended only

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[4] *Wynn v. State*, 23 A.3d 145, 148 (Del. 2011) (Internal quotations and citations omitted.).

[5] 824 A.2d 894 (Del. 2003).

[6] *Id.* at 908 (Internal quotations and citations omitted.).

a 22 year prison sentence. But these facts do not come close to creating an inference of gross disproportionality.

5) The first part of the disproportionality test requires the Court to compare the crime Lacombe committed with the sentence imposed. Lacombe pled guilty to murder – the most heinous violent crime. Although Lacombe did not pull the trigger, he gave the gun to his mentally ill brother, who was attempting to commit armed robbery. Two people were killed in an incident that Lacombe planned and set in motion. There is nothing extreme, or grossly disproportionate, about sentencing a murderer to life in prison. Because the sentence does not raise an inference of gross disproportionality, the Court does not undertake the second step of the *Crosby* analysis, where the fact that Lacombe received the same sentence as his brother would be considered.

NOW, THEREFORE, IT IS ORDERED that the judgments of the Superior Court be, and the same hereby are, AFFIRMED.

By the Court:

/s/ Carolyn Berger
Justice