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Dated: February 17, 2014

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## NATURE OF THE PROCEEDINGS

On or about January 28, 2012, Appellant, Claude Lacombe, was arrested by Detective Alfee, an officer with the New Castle County Police, on an outstanding warrant and subsequently indicted on two counts of Murder 1<sup>st</sup> Degree in violation of 11 Del.C. §636 , two counts of Attempted Robbery 1<sup>st</sup> Degree in violation of 11 Del.C. §832 , four counts of Possession of a Firearm During the Commission of a Felony in violation of 11 Del. C. §1447A, and one count of Conspiracy 2<sup>nd</sup> degree, in violation of 11 Del.C. §512.

Appellant Lacombe entered a plea of guilty on April 11, 2013, to a lesser included offense, Murder 2<sup>nd</sup> Degree, in violation of 11 Del.C. §635 (L.I.O.) of Murder 1<sup>st</sup> degree), Possession of a Firearm During the Commission of a Felony, Attempted Robbery 1<sup>st</sup> Degree and Conspiracy 2<sup>nd</sup> Degree. The State entered a Nolle Prosequi on the balance of the charges.

The State of Delaware, after a conscientious review of the facts and culpability of the defendant, agreed to recommend a period of 22 years unsuspended Level V incarceration in total.

On September 17, 2013, Appellant Lacombe appeared before the Honorable M. Jane Brady for sentencing. On the charge of Murder 2<sup>nd</sup> Degree, Appellant Lacombe was sentenced to natural life in prison; on the Possession of a Firearm

During the Commission of a Felony, five (5) years Level V imprisonment; on Attempted Robbery 1<sup>st</sup> Degree, five (5) years Level V imprisonment; and, on Conspiracy 2<sup>nd</sup> Degree, two (2) years Level V imprisonment, suspended for decreasing levels of probation.

Appellant Lacombe appeals this sentence.

## **SUMMARY OF ARGUMENT**

- I. The court below abused its discretion by sentencing Appellant Lacombe to a term of natural life imprisonment violating his constitutional right under the 8<sup>th</sup> Amendment of the United States Constitution.

## STATEMENT OF FACTS<sup>1</sup>

On or about, December 26, 2012, New Castle County Police (NCCPD) responded to the Harbor Club Apartments, located in New Castle County, Delaware, to investigate a shooting that had just occurred. Upon arrival, located were victim Michael Thomas, who was unresponsive and later pronounced deceased, and victim Keifer Wright who was responsive but uncooperative with the police was transported to Christiana Emergency Room but was also later pronounced deceased. Both victims suffered fatal gunshot wounds.

The investigation revealed that both victims had left the Philadelphia area earlier in the day with the intent to deliver marijuana, possibly one pound. The investigation further revealed communication regarding the sale/delivery of marijuana by way of text messaging. A search of the victim's cell phone resulted in obtaining a telephone number belonging to Kimberly Wilson, the mother of Claude and codefendant Paul Lacombe. Ms. Wilson advised the phone number belonged to Paul and that he had been staying in Delaware. She also advised that Claude lives in Delaware. An investigation through social media led the police to the Super 8 Motel room #224 where it was believed Claude Lacombe resided. The NCCPD were also able to obtain various traffic reports and stops that identified a

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<sup>1</sup> The facts contained herein are a summary of the facts recited in the Affidavit of Probable Cause and the investigative police reports.

Christie Emmons having a relationship to Claude Lacombe. The information regarding room #224 was confirmed by the night clerk of the motel and surveillance was established at the Super 8 Motel. Witnessed during the surveillance was Christie Emmons driving a tan Dodge Durango making contact with Claude Lacombe. Additional surveillance observed a green Honda vehicle leaving the motel with an individual who had just come from room #224. A vehicle stop was conducted and both Paul and Claude Lacombe were located in the vehicle.

A search warrant was executed on room #224 and located were various documents and writings belonging to Claude Lacombe. Additionally, a pair of shoes with what appeared to be reddish-brown stains, believed to be blood stains, was located.

Christie Emmons was taken into custody on unrelated matters and was interviewed. Though she claimed to have no knowledge of a robbery or a shooting, she did outline a timeframe, path traveled (including Harbor Club Apartments), and with the person whom she was with. Specifically, she identified being with Claude Lacombe, Paul Lacombe, and Elijah (later identified as Elijah Pressley.) She advised that she had seen Claude with a firearm in the past that he had given to Paul.



On or about December 27, 2011, Paul Lacombe was taken into custody and interviewed. He advised that he had been staying with his brother, Claude, and Christie Emmons at the Super 8 Motel. He provided a confession as to his involvement in the attempted robbery and homicide in detail. Specifically he identified all participants, Elijah Pressley, Claude Lacombe, Christie Emmons and himself and the role each played. Claude was alleged to have planned the Robbery attempt by arranging a contact with marijuana dealers he knew from Philadelphia. Paul and Elijah were to approach the dealer's vehicle to make the alleged purchase/robbery and then return to Christie's vehicle. Claude and Christie remained in Christie's automobile while Paul and Elijah walked out of sight and committed the alleged offenses. Paul admits to panicking and discharging the firearm which resulted in the deaths of both victims.

Elijah Pressley was taken into custody and interviewed as well. He provided a statement to the police that essentially confirmed the statement of Paul. Elijah claims that he had received a call from Claude asking him to go along with Paul so Paul would be protected. He subsequently stated that Claude could not go because he did not want his face seen. Elijah confirmed that he and Paul met the two victims in the parking lot and were in their vehicle when things went wrong and

Paul shot. Both Paul and Elijah returned to Christie's car after the incident and all four drove away.

While there may have been a question of exactly which defendant knew that a firearm was present and in Paul's possession at the time of the attempted robbery, there is no evidence from any source that a discussion or agreement occurred between any of the defendants regarding the use of the firearm, and to what measure, including any homicide.

## ARGUMENT

### A. I. QUESTION PRESENTED<sup>2</sup>

DID THE LOWER COURT ABBUSE ITS DISCRETION BY IMPOSING A DISPROPORTIONATE NATURAL LIFE SENTENCE ON A MURDER SECOND DEGREE OFFENSE IN VIOLATION OF THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

### II. STANDARD OF REVIEW

In order for this Court to disturb a sentence on appeal, Appellant must make a showing that there was an illegal sentence imposed or there was an abuse of discretion on the part of the trial judge. Wynn v. State , 23 A.2d 145 (Del.2011). For the Court to determine whether the sentence is prohibited, as being disproportional, the Court is to undertake a threshold comparison of the crime committed and the sentence imposed. If the Court determines that the comparison leads to an inference of gross disproportionality the Court must then consider the sentence imposed with other similar cases to determine whether the trial court stepped out of line with the sentencing norms. Crosby v. State, 824 A.2d 894 (Del. 2003).

### III. MERITS OF THE ARGUMENT

The United States Supreme Court determined that the 8<sup>th</sup> Amendment

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<sup>2</sup> This appeal is from s final sentencing Order which is attached hereto as pages 29-33, and the sentencing transcript attached hereto as pages 14-28, at page 27.

of the United States Constitution establishes a narrow proportionality principle in an effort to determine grossly disproportionate sentences. While the 8<sup>th</sup> Amendment does not provide a strict proportionality between the crime and sentence it does forbid extreme sentences that are disproportionate to the crime. The Supreme Court established a three prong analysis for examining proportionality. First, the court must take into consideration the gravity of the offense and the harshness of the penalty; second, the court must consider sentences imposed on other criminals in the same jurisdiction; and lastly, the court must consider sentences imposed for the same crime in other jurisdiction. Crosby, at 904-906, *citing* Solem v. Helm, 463 U.S. 277, 279 (1983) and Harmelin v. Michigan, 501, U.S. 957, 1001 (1991).

Appellant argues that the imposition of a ‘natural life’ sentence under the facts and circumstance of his case is exceptionally harsh and is grossly disproportionate to other sentences imposed.

First, as this Court has identified both in Crosby and in State v. Hamilton, 2013 WL 118747 (Del.Super), there was discussion on the difference in specifically what a life sentence is and how a life sentence applies. Pursuant to 11 Del.C. §4204(b) person convicted of a class A Felony *may*, not must, be sentenced to life imprisonment subject to 11 Del.C. §4205. Read together, the sentencing

range for a class A Felony is from 15 years to life imprisonment except for a conviction of Murder First Degree. If convicted of Murder First Degree, the defendant shall be punished by death or by imprisonment for the remainder of the person's natural life without the benefit of probation, parole, or reduction of sentence. 11 Del.C. §4209. Clearly the intent of the General Assembly was to differentiate the Class A Felony Murder First Degree from the remaining Class A Felonies with regard to the harshness of sentencing.

In this action, Paul Lacombe, the admitted shooter in this action, pled guilty to Murder First Degree and was sentenced accordingly to 'natural life' in prison. Appellant Claude Lacombe did not plea to nor was he convicted of a Murder 1<sup>st</sup> Degree charge. Appellant pled guilty to a lesser homicide offense, Murder 2<sup>nd</sup> degree, which under the circumstances, required a lesser state of mind for the crime. A Murder 2<sup>nd</sup> degree has a substantially different degree of mental state and reflects Appellant's degree of culpability. Appellant was not the shooter, was not at the immediate scene of the attempted robbery and there was no evidence that he conspired to display or more importantly discharge the firearm. Yet Appellant was sentenced as if he were convicted of a Murder 1<sup>st</sup> degree. Appellant argues that the Court illegally sentenced him as if he were convicted of Murder 1<sup>st</sup> degree implicating 11 Del.C. §4209.

Second, notwithstanding the above, 11 Del.C. §4346, seems to establish a fixed term of incarceration of forty-five (45) years, when read together with §4204 and §4205. This fixed term is established for parole eligibility only Evans v State, 872 A.2d 539 (Del.2003). This is at the very least distinguishable from what would otherwise be understood as ‘natural life’.

Appellant does not unduly depreciate the nature of the crime that occurred. Two individuals lost their life as a result of this attempted Robbery. In weighing the gravity of the offense this is clearly a very serious offense, albeit not intentional. Thus, the sentencing range permits a sentence of a little as 15 years. The offense to which appellant pled guilty is not as serious as a Murder 1<sup>st</sup> Degree sentence for which sentencing is extremely limited and harsh. The sentence imposed upon Appellant is a Murder 1<sup>st</sup> Degree sentence which he argues is disproportionate to the gravity of his offense. (For comparison, though the plea agreements were to different offenses, Christie Emmons was sentenced to an aggregate six (6) years unsuspended Level V incarceration and Elijah Pressley was sentenced to an aggregate fifteen (15) years unsuspended Level V incarceration).

Appellant further asserts that while the trial Court is not bound by any recommendation, either from the State or Defense, and has the broad discretion to sentence within the statutory provisions, it is apparent on the face of this

sentencing that the Court completed disregarded the conscientious sentencing decision and recommendation of the State. It is unclear from the record exactly what factors the Court considered, that the State did not, but the Court clearly sentenced Appellant as if he had been convicted of Murder 1<sup>st</sup> Degree.

Appellant argues that either 'life sentence' scenario in this action, as discussed above, represents a grossly disproportionate sentence and compares the sentence to a recent Circuit Court decision.

As recently as September 2013, the Third Circuit Court of Appeals, in Martinez v. Stridiron, ---Fed.Appx..., 2013 WL 4767892 (C.A.3 (Virgin Islands)) held that a term of 35 years incarceration for a Murder Second Degree conviction was not disproportionate. Unlike the case before this Court, the Virgin Islands Court supported the 35 year sentence by finding that Martinez had shot his victim from behind and then seven shot him seven more times while the victim was down, three in the head. The judge also took note that the homicide appeared to be a revengeful, purposeful killing. There is little comparison to the gravity of the offense in Martinez to that of Appellant. The facts of Martinez are far more outrageous, egregious and intentional and only resulted, in the end, a sentence of 35 years imprisonment.

## **CONCLUSION**

In conclusion, based upon the facts and legal authority set forth herein,  
Appellant seeks the judgment of this Honorable Court.

Respectfully submitted,

/S/

ANDREW J. WITHERELL  
ID No. 3260  
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Wilmington, Delaware 19801  
(302) 655-1943  
Attorney for Appellant,  
Claude Lacombe

Dated: February 17, 2014



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

STATE OF DELAWARE ) I.D.s NO. 1112018546  
 ) 1201018188  
v. )  
 )  
PAUL K. LACOMBE )  
CLAUDE LACOMBE, )  
 )  
Defendants. )

BEFORE: HONORABLE M. JANE BRADY, J.

APPEARANCES:

COLLEEN K. NORRIS, ESQ.  
DANIEL B. MCBRIDE, ESQ.  
Deputy Attorneys General  
For the State

KATHRYN VAN AMERONGEN, ESQ.  
RAYMOND D. ARMSTRONG, ESQ.  
For the Defendant Paul K. Lacombe

PETER W. VEITH, ESQ.  
ANDREW J. WITHERELL, ESQ.  
For the Defendant Claude Lacombe

SENTENCING TRANSCRIPT  
SEPTEMBER 17, 2013

LUCILLE A. MANCINI, CCR  
SUPERIOR COURT OFFICIAL REPORTERS  
500 N. King Street  
Wilmington, Delaware 19801  
(302) 255-0571



**COPY**

September 17, 2013  
Courtroom No. 6D  
9:35 a.m.

PRESENT:

As noted.

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(The following sidebar conference was held in conference room.)

THE COURT: Good morning. I have Paul Lacombe's decision. And essentially it says that he listed no grounds, that what the standard is presentencing for withdrawing, that there was -- the criteria. There's no legal basis to permit him to -- he's not stated any grounds that would permit the Court to make a finding that would support a decision to allow him to withdraw the plea. And with the accomplices and the fact that this crime happened so long ago now, that it would be an inconvenience to the State and Court to permit the withdrawal of the plea at this point with no grounds stated. If there was some substance to it, that would be different.

Now, I understand the reason you're here, that you wanted to have the two defendants

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sentenced together, and there are different issues I think we still have to resolve with Claude, although nothing in his documents -- you're accurate. Nothing in his documents says I want to withdraw my plea. I wanted to touch base with you and find out what your recent conversations with him have been. He did ask for new counsel. How are you getting along with him? What's going on?

MR. VEITH: Your Honor, we --

THE COURT: And there were two documents that were in different handwriting, and I could not figure out whether, in light of the history in this case, where something that he had supposedly submitted to the Court was forged, I wanted to make sure.

MR. WITHERELL: And they had contrary positions. One was completely --

THE COURT: Yes. One said please be lenient on me when you sentence me, and the other said I want to get a new lawyer.

MR. VEITH: Your Honor, myself and Mr. Witherell met with Claude Lacombe this morning. He's in a good frame of mind. He's prepared to go

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forward with sentencing. I explained that his motion is, in all likelihood, going to be denied and that he can file a Rule 61, if he wishes to after he's sentenced. He'll be appointed new counsel. He also could appeal the sentence. If he were to do that, he would be appointed new counsel. And I think he's prepared to go forward. I have no indication that he is wanting to withdraw his plea or complaining about it at this point.

THE COURT: And I indicated how I was likely to rule. Have you had conversations with your client, as well?

MS. VAN AMERONGEN: No, Your Honor. Well yes. All I told him was that I would go ahead and forward his supplemental thing, if he filed one, and he did, at the point which --

THE COURT: The supplemental one is the request for new counsel, right?

MS. VAN AMERONGEN: Exactly, Your Honor, a second letter. And I told him that I would ask for new counsel on his behalf. But it was a very short conversation. And after that I did not speak with him once I read -- you know, once I saw the letter

5

that said we were intimidating him. I did not speak with him after that, or his family, other than through e-mail to let them know that this was the date of sentencing.

THE COURT: Right, right. And a life sentence, obviously, does allow -- the only thing he really said was that you misinformed him about whether he might ever be able to get out of jail. And a life sentence, although a mandatory life, does permit consideration down the road of release under certain circumstances, and I'm sure you discussed those with him. Anybody facing a life sentence, it would be natural for you to discuss those with him.

MS. VAN AMERONGEN: Your Honor, what we specifically explained was that while it was certainly not common in Delaware, there was one case in the last year, I believe, where an inmate who was on Death Row was converted to a life sentence, and the case of Judith McBride where somebody who got a life sentence was actually allowed to leave, but I said that was the only thing. Those were the only cases that I was aware

1 of, and it was extremely rare.

2 30 or 40 years from now who knows what the  
3 state of the law is. Maybe if you plead guilty,  
4 and you have a GMI plea, and anyone that goes back  
5 and looks at your records knows that you didn't put  
6 the State through trial and that you were helpful  
7 to the State.

8 We explained all that to him. But he was  
9 very clear on the fact as far as Mr. Armstrong,  
10 that this was a life sentence, and that any chances  
11 down the line were chances, but that we didn't  
12 think there would be any chance if he went to trial  
13 and was found guilty and got a death sentence.

14 And based on the many aggravators and the  
15 wrong aggravators, as far as Mr. Armstrong and I  
16 are concerned, we still believe today that he would  
17 face too high a risk of getting the death penalty  
18 based on his prior criminal history and  
19 aggravators. My only concern is that he will say  
20 if there's no legal basis put in there, I should  
21 have had a lawyer to do it. And I guess I'll have  
22 to explain to him he can file a Rule 61.

23 THE COURT: But you can't, if you don't have

1 himself. Because I know there are issues with  
2 counsel. So that he will feel that he's gotten  
3 consideration from the Court and respect from the  
4 Court, and explain to him why I have not agreed to  
5 allow him to withdraw his plea, that he has not  
6 specified grounds, and that if he wants new  
7 counsel, he'll certainly have those following  
8 sentencing on any appeal or challenge to the  
9 effectiveness of counsel.

10 MS. VAN AMERONGEN: Thank you, Your Honor.

11 THE COURT: Anything from the State before  
12 we go in at all?

13 MS. NORRIS: No, Your Honor.

14 THE COURT: How do you plan on -- do you  
15 want to do them together?

16 MS. NORRIS: Well --

17 THE COURT: Because you have the victim's  
18 family.

19 MS. NORRIS: The sentencing part I would,  
20 Your Honor. We have, as you know, of course, two  
21 sets of families, two victims. The impact  
22 statements and the presentation from the State is  
23 the same for both.

1 good faith to make a claim.

2 MS. VAN AMERONGEN: Exactly, Your Honor.  
3 And that's the unfortunate position that  
4 Mr. Armstrong and I are in. Mr. Armstrong and I,  
5 when we left the plea colloquy, were agreed that it  
6 was extremely thorough and that Your Honor had  
7 flushed out every possible point, including  
8 suppression issues, which was a particular concern  
9 to Mr. Armstrong and I. We were very impressed and  
10 very satisfied with the clarity of the colloquy.

11 And, so, it put us in a difficult position  
12 to say, you know, our client's not clear. We can  
13 tell the Court what we told them. We can say what  
14 we believe he thought. But now that he feels,  
15 obviously, intimidated into taking the plea, beyond  
16 asking for new counsel for him, I don't know what  
17 else to say, because it just puts us in a very  
18 awkward position.

19 THE COURT: Well, I'm going to go through  
20 what I have ruled in front of him. I'm going to  
21 tell him that I've issued a written opinion. And  
22 I'm going to hand him down a copy. I brought extra  
23 copies. So I'm going to hand him down a copy for

1 THE COURT: So why don't I have Mr. Paul  
2 Lacombe in first, explain the ruling on the motion  
3 to him, and that we're going forward today. Then  
4 have Mr. Claude Lacombe come in, and have a  
5 colloquy with him briefly where he acknowledges  
6 that, although he's written the Court, he's  
7 satisfied to proceed today with counsel, and I've  
8 previously denied a request for, I believe in his  
9 case, new counsel. And then we can begin the  
10 sentencing.

11 So we'll bring Paul Lacombe in first. We'll  
12 have that colloquy. We'll bring Claude in with  
13 Paul in the courtroom, and I'll have a brief  
14 colloquy with Claude. And then we'll go into  
15 sentencing. Does that work for everybody?

16 MS. NORRIS: That works for the State, Your  
17 Honor.

18 MR. VEITH: Yes, Your Honor.

19 MS. VAN AMERONGEN: Yes, Your Honor.

20 THE COURT: All right. That's how we'll  
21 proceed.

22 MR. ARMSTRONG: Thank you, Your Honor.

23 MS. NORRIS: Thank you, Your Honor.

1 (The sidebar conference concluded.)  
 2 THE COURT: Good morning, Counsel.  
 3 ALL COUNSEL: Good morning, Your Honor.  
 4 THE COURT: Good morning, Mr. Lacombe.  
 5 MR. PAUL LACOMBE: Now, Mr. Lacombe, you've  
 6 previously filed a couple of documents with the  
 7 Court, and I have reviewed those and the law, the  
 8 court rules, and the transcript of the entry of  
 9 your plea of guilty, but mentally ill. I had made  
 10 findings at the time that you entered the plea  
 11 based on the record before me that there was  
 12 sufficient evidence to support a plea of guilty,  
 13 but mentally ill, that you understood the  
 14 consequences of the entry of the plea.  
 15 You represented to me that you had had  
 16 sufficient time to discuss the case with your  
 17 attorneys, that no one had threatened or forced you  
 18 to enter the plea, that you understood that you had  
 19 previously faced the death penalty, and that this  
 20 resolution would involve a life sentence.  
 21 And, so, based on my conversation with you,  
 22 and the transcript of that conversation, and the  
 23 fact that in what you wrote -- and I can understand

1 that this is an undesirable situation for you, that  
 2 you are faced with a mandatory life sentence, but  
 3 you have raised no grounds that would justify me  
 4 allowing you to withdraw your plea.  
 5 Now, I did do a written opinion so you would  
 6 have it. I'm going to hand the bailiff a copy to  
 7 hand to you. That will be your copy of the written  
 8 opinion that I issued. So you have your own copy  
 9 of it.  
 10 If subsequent to sentencing you wish to  
 11 appeal any portion of what I've ruled or you wish  
 12 make claims that your attorneys were not effective  
 13 in the way they represented you, you'll get  
 14 appointed new counsel for that. But I've made on  
 15 the record before me the findings that the plea was  
 16 knowingly and intelligently made, that you knew the  
 17 consequences, that you -- we've even talked about  
 18 the motions that were abandoned by the entry of the  
 19 plea, that there would be no trial, the  
 20 consequences, et cetera.  
 21 So I'm satisfied that at this juncture  
 22 there's no legal basis to allow you to withdraw  
 23 your plea. So we're going to go forward with

1 sentencing today. Okay --  
 2 DEFENDANT PAUL LACOMBE: Okay.  
 3 THE COURT: All right, then. Can we bring  
 4 in Mr. Claude Lacombe, please.  
 5 MS. VAN AMERONGEN: Your Honor, would you  
 6 like us to move back?  
 7 THE COURT: No, that's fine.  
 8 MR. VEITH: Your Honor, may we have one  
 9 moment?  
 10 THE COURT: You may.  
 11 MR. VEITH: Thank you, Your Honor.  
 12 THE COURT: Mr. Lacombe, good morning.  
 13 Mr. Lacombe, I received two, apparently,  
 14 contradictory letters from you; one asking for  
 15 leniency and apologizing for your conduct, and the  
 16 other suggesting that you wanted to have new  
 17 counsel appointed.  
 18 Now, I've talked to your attorneys this  
 19 morning, but I want to talk to you directly. Are  
 20 you satisfied to go forward at sentencing with  
 21 these counsel?  
 22 DEFENDANT CLAUDE LACOMBE: Yes, ma'am.  
 23 THE COURT: Have you been able to have a

1 conversation with them about what's going to happen  
 2 today and what kinds of things they can argue on  
 3 your behalf? Are you satisfied with the situation  
 4 at this point?  
 5 DEFENDANT CLAUDE LACOMBE: Yes, ma'am.  
 6 THE COURT: We're going to proceed with both  
 7 you and Paul Lacombe, Mr. Paul Lacombe, at  
 8 sentencing at the same time, although I'll address  
 9 each of your cases separately at the time that I  
 10 sentence. But the State's presentation is going to  
 11 be similar, so we're going to do both of you in the  
 12 same courtroom at the same time. Okay? I just  
 13 wanted to make sure that you're satisfied to  
 14 proceed at this point --  
 15 DEFENDANT CLAUDE LACOMBE: Uh-huh.  
 16 THE COURT: -- and I don't have to make any  
 17 other rulings. Okay, then. Then we will begin  
 18 with sentencing.  
 19 MS. NORRIS: Your Honor, I received a text a  
 20 few moments ago that the parking garage in the  
 21 courthouse is full. The families of Michael Thomas  
 22 and Keifer Wright are coming from Philadelphia.  
 23 They arrived here unable to park and are looking

1 for parking now. My understanding is that they --  
 2 they're here. We just need to get them up here.  
 3 I've given instructions that they should come right  
 4 up to the courtroom. So, unfortunately --

5 THE COURT: Sentencing will be delayed a few  
 6 minutes?

7 MS. NORRIS: We're going to have to be  
 8 delayed a few minutes. I apologize. I was hoping  
 9 that by the time we resolved the matters that we  
 10 needed to take care of before sentencing they would  
 11 be here, but the parking garage situation did not  
 12 help.

13 THE COURT: How long ago did you get a  
 14 message?

15 MS. NORRIS: May I check my phone? I can  
 16 tell the Court. The text I received was at 9:43  
 17 saying that they were here, but that the parking  
 18 garage was full and they were looking for parking.  
 19 She sent them to the DoubleTree. So I'm assuming  
 20 they just need to get through security and,  
 21 hopefully, come up. And I just will need a moment.  
 22 We've, of course, spoken with them extensively, but  
 23 I just need to confirm who will be speaking on

1 behalf of the families just for a moment before we  
 2 move forward.

3 THE COURT: If the bailiff could go  
 4 downstairs and await them and escort them up.  
 5 Could you ask him to do that?

6 MS. NORRIS: Thank you.

7 THE COURT: All right. We'll take a brief  
 8 recess. I'm sorry to the Department of Correction.  
 9 Mr. Lacombe and Mr. Lacombe, we'll be in a brief  
 10 recess.

11 (A short recess was taken.)

12 THE COURT: Good morning, Counsel. Good  
 13 morning, Messrs. Lacombe. Good morning,  
 14 Ms. Norris.

15 MS. NORRIS: Good morning, Your Honor. Your  
 16 Honor, the State is here today to move the  
 17 sentencings for Claude and Paul Lacombe. As, of  
 18 course, everyone in the room is aware, this is a  
 19 murder case. There are four defendants, and there  
 20 were two victims in this case.

21 Today is the time for the sentencing of Paul  
 22 and Claude Lacombe. The State has a presentation  
 23 for the Court which will be the same, one

1 presentation for both defendants, and then we will  
 2 speak separately about the sentencing  
 3 recommendation from the State.

4 THE COURT: All right, then.

5 MS. NORRIS: I do have many family members  
 6 here, both for Keifer Wright and Michael Thomas.  
 7 The moms are here, the dad of Michael Thomas is  
 8 here, other family members and loved ones. They're  
 9 very emotional, as, of course, the Court  
 10 understands. I'm going to give the Court some  
 11 information and read a letter, and then we do have  
 12 a couple of family members who would like to speak  
 13 to the Court directly.

14 THE COURT: Very well.

15 MS. NORRIS: Your Honor, I would first like  
 16 to speak about Michael Thomas. His mother is here.  
 17 She is too upset to address the Court directly.  
 18 Her name is Nadine Sharp. I have for the Court  
 19 some photographs of Michael Thomas. Unfortunately,  
 20 we only get to see the victims in death, and the  
 21 family felt it very important that Your Honor get a  
 22 chance to see Michael Thomas in life.

23 THE COURT: No objection?

1 MS. VAN AMERONGEN: No, Your Honor.

2 MR. WITHERELL: No, Your Honor.

3 MS. NORRIS: I also have from the funeral,  
 4 Your Honor. They would like you to see that, as  
 5 well. Thank you, Your Honor.

6 These are remarks from Nadine Sharp on  
 7 behalf of Michael Thomas:

8 I'm writing this letter to express how  
 9 devastated, angry, sad, and completely heartbroken  
 10 over the loss of my dear sweet son Michael Thomas.  
 11 I totally miss everything about my son. The way he  
 12 would say "Mom," how he showed me so much love and  
 13 concern towards me, his bright winning smile that  
 14 would light up a room, his laughter when I would  
 15 make funny remarks, and his total presence in a  
 16 room was just priceless.

17 Michael was very loving, caring, and gave  
 18 his all towards anyone that would accept his help.  
 19 His personality was strong and serious at such a  
 20 young age and has grown up to be a very thoughtful  
 21 young man. Michael loved his family, friends, and  
 22 most of all, he committed his life to education and  
 23 being educated. I always admired how he was able

1 to make A's and B's all through school and loved to  
2 read, a super whiz at math, and always on his  
3 computer.

4 Michael continued and maintained his  
5 academic status all through high school. He was  
6 accepted to every college he applied for, but he  
7 chose to attend Clark Atlanta in Georgia right  
8 after high school graduation, studying in business  
9 for two years, and then returned to Philadelphia to  
10 attend Temple University Fox School of Business,  
11 hoping to graduate in 2013 to continue his dreams  
12 of being an entrepreneur. That was his main goal,  
13 to get the highest degree he could.

14 There are no words that can ease this  
15 horrible pain, heartache, and always hoping that  
16 this is all a bad dream. The moments and the  
17 future for my son Michael were taken away by the  
18 senseless act of violence by people who chose to  
19 take matters in their own hands, not realizing what  
20 they did affected me, his siblings, family, and  
21 friends forever. No one can replace my son, and I  
22 will never see him live to reach his dreams and  
23 goals.

1 There's only one thing that would heal this  
2 sorrow, and that is having my son Michael back  
3 home. But now we have to grieve for him for the  
4 rest of our lives. All of this for what? Because  
5 of a horrific act of violence. Nadine Sharp.

6 Your Honor, on or about Christmas of 2011  
7 four individuals chose to take matters of greed and  
8 drugs over a quarter pound of marijuana into their  
9 own hands and set up a meet with Michael Thomas and  
10 Keifer Wright with the intent of robbing them, and  
11 taking the drugs, and not paying for them. In  
12 fact, they didn't even have enough money to pay for  
13 the drugs at the agreed upon price.

14 It was an act of foolishness on the part of  
15 Michael and Keifer. Neither were armed. Neither  
16 struggled or gave much, if any, resistance. And  
17 both were killed in a vehicle by Paul Lacombe who  
18 shot them both.

19 I know Mr. Thomas would like to speak, and I  
20 have a letter from Sonia, and she would like to  
21 speak, but we're here today because of these  
22 senseless, selfish acts, and the Court can see the  
23 hurt that the family is suffering.

1 We have reached resolutions in all four  
2 defendants' cases, and are here today on Paul and  
3 Claude. And I'll speak specifically to their  
4 sentences momentarily.

5 Sonia has -- excuse me. Nadine has an  
6 additional one last request for the Court, and that  
7 is that anything the Court could do to make sure  
8 that Paul and Claude are not at the same facility  
9 to provide each other with comfort and happiness in  
10 a way that she can never have with her son and her  
11 family can't have with their loved one again.  
12 She's asking the Court, if it is in your power to  
13 do so, that you order they be kept at separate  
14 facilities during the course of their sentences.

15 We discussed that, and some of the potential  
16 issues with that, and the power that the Court does  
17 have, and perhaps does not have. But that is her  
18 heartfelt hope, in light of what has been done to  
19 her family, that the Court consider that as part of  
20 the sentence. And that's directly from her.

21 At this point I would like -- actually,  
22 before I do that.

23 Mr. Thomas, do you want to come forward.

1 This is Marcelis Thomas, and he is Michael  
2 Thomas's father, and he would like to address the  
3 Court directly.

4 MR. THOMAS: Good morning, Your Honor,  
5 officers of the Court. I really don't know where  
6 to start. I'm not prepared for this. I would  
7 never have thought that I would be standing here  
8 defending my son because he can't defend himself.  
9 It's supposed to be the other way around. They're  
10 supposed to bury us. We're not supposed to bury  
11 them.

12 But my son was a unique, special person  
13 since the day he was born, and was a good, good  
14 child. Society has lost a great person because he  
15 was going to be something in life. And you can  
16 talk about what happened and all of that, but his  
17 main intentions was education and being an  
18 entrepreneur, which he always wanted to be. He  
19 never wanted to work for nobody since the day he  
20 was born. And I guess he had that in his  
21 bloodline. But what happened, I just can't believe  
22 you could put a dollar on a human life so little  
23 as --

1 THE COURT: I know this is hard. I know  
2 that there are many, many things that you could say  
3 about your son and the time that he was with you.  
4 And thank you for your comments.

5 MR. THOMAS: I want to say one more thing.  
6 Michael will be missed by a lot of people. And  
7 whatever you can do in your power to keep these two  
8 off the streets, whatever you can do, I would  
9 appreciate it.

10 THE COURT: Thank you.

11 MS. NORRIS: Thank you, Your Honor. Your  
12 Honor, I now have some photographs and something  
13 from the funeral service for Keifer Wright, and I  
14 would like to pass those up to the Court for you to  
15 look at. Again, so we may see Keifer Wright in  
16 life, and not only know him in death.

17 THE COURT: Any objection?

18 MR. WITHERELL: No, Your Honor.

19 THE COURT: Ms. Norris.

20 MS. NORRIS: Thank you, Your Honor. Your  
21 Honor, Keifer's mother has written a letter which I  
22 will read to the Court. It's a fairly short  
23 letter. And then she would like to address the

1 Court directly:

2 Good morning, Your Honor. First I want to  
3 thank everyone for their support, including the  
4 Court, the police, the district attorney, the  
5 doctors, and my attorney who has resided over the  
6 case. I want to thank you deeply for being there  
7 for me and my family.

8 On December 26th, 2011, Keifer Wright was  
9 brutally gunned down under the cruelty and wicked  
10 hands of four individuals who have no regard or  
11 remorse for human life. They took away from me the  
12 precious life that God has given to me, my precious  
13 son Keifer.

14 Keifer was born and raised in Boston,  
15 Massachusetts, until 1999. Keifer, at the age of  
16 11, we moved to Philadelphia, Pennsylvania, with  
17 the belief for a better life. Keifer attended and  
18 completed high school in Philadelphia. Then  
19 attended the community college where he studied  
20 nursing.

21 Keifer was a beautiful person inside and  
22 out. Keifer was loved by everyone. He was loved  
23 by his teachers, peers, and his neighbors because

1 he was a loving, calm spirited young man.

2 I love my son. I miss my son deeply, and I  
3 grieve every day, knowing that he isn't going to  
4 come back. Nothing can take the place of him.  
5 These heartless young men took my pride and joy,  
6 and I will never be able to communicate with my  
7 son. And the only way that I could is by going to  
8 the grave. My son will never come back.

9 That part of me they took away was a piece  
10 of my soul. But because I trust in God for my  
11 comfort, I found it in my heart to forgive them for  
12 what they have done to my child. They have  
13 destroyed my family. They have destroyed their  
14 family. And they have destroyed the community.

15 I ask God to forgive them. But whatever  
16 punishment they will get is well deserved because  
17 they were heartless, cruel, mean, and unjust. They  
18 have hurt me to the core of my heart as a single  
19 mother trying to raise her son to the best of her  
20 ability. They took my son away, and now he is  
21 lying in a grave. We cannot show the usual  
22 affection towards each other anymore because of the  
23 four perpetrators who killed my son in cold blood.

1 THE COURT: You can have her come up.

2 MS. NORRIS: Your Honor, this is Keifer  
3 Wright's mother, Sonia.

4 THE COURT: Good morning.

5 SONIA: Good morning, Your Honor. First I  
6 want to thank the police officers, the detectives,  
7 and the DA for their excellent investigation.

8 To these men who killed my son, you have  
9 destroyed my life by killing my son Keifer. You  
10 put me in a deep stress and depression. My life  
11 will never be the same, and I have to live with  
12 this loss every waking moment. They have no value  
13 of human life. You kill my son and Mike over  
14 nothing. You take two precious lives for  
15 stupidity.

16 Look at them sitting here. They have no  
17 remorse. They have no compassion. They have no  
18 feelings. They are evil. They are wicked. How  
19 can you sleep, eat, and think at night, knowing  
20 that you killed two persons? I'll never be whole  
21 again. Your parents can always see you. They can  
22 send you letters. You can call them on the phone.  
23 They can come and visit you. But I will never be

1 able to talk to Keifer or see him unless I go to  
2 his grave site.

3 I miss my son every minute, every hour,  
4 every day. No matter how much time you all get, it  
5 can never make up for the loss of my son. Keifer  
6 was young and vibrant with lots of life and love.  
7 You critically wounded these kids. They never had  
8 a chance at all.

9 So, Your Honor, whatever they get, they  
10 deserve it. And I leave everything in your hands,  
11 and also I leave everything in God's hand. I'm a  
12 God going person. And I don't know. Maybe some  
13 day I will find it in my heart to forgive them.  
14 And I hope they really think what they do or what  
15 they have done and find some sort of way to say  
16 they're sorry. Thank you, Your Honor.

17 THE COURT: Thank you.

18 Ms. Norris.

19 MS. NORRIS: Thank you, Your Honor. Your  
20 Honor, had this case gone to trial, we would have  
21 presented evidence to the Court that Paul and  
22 Claude Lacombe planned this robbery a period of  
23 time, a considerable period of time, before

1 December 26th. In fact, there were text messages  
2 that we recovered from the phones which indicated  
3 that the gun which originally belonged to Claude  
4 had been given to Paul, and Claude and Paul had  
5 agreed that Paul would bring the gun down to  
6 Delaware from Pennsylvania.

7 We know that Paul and Claude and Christie  
8 stayed at the Motel 8 on Main Street the night  
9 before, and that it was their intent that day to  
10 set up the robbery of Michael and Keifer. And we  
11 would have presented evidence which would have  
12 clearly shown through the phone communication and  
13 testimony that that's what had occurred.

14 After they arrived at the site of the  
15 planned robbery, which were the Harbor Club  
16 Apartments in Newark, it was agreed that because  
17 Claude and Christie would stay in the car, and Paul  
18 and Elijah -- and Elijah's sentencing is tomorrow.  
19 But he was not part of the planning of this  
20 robbery. He came into it very late. And had the  
21 case gone to trial, we would have shown that,  
22 again, through testimony, and texts, and phone  
23 records.

1 But, nonetheless, Elijah and Paul went and  
2 met up with Michael and Keifer, and there was a  
3 period of time where Paul was in the car in the  
4 back seat with both Michael and Keifer. And I  
5 guess the time where the transaction was to take  
6 place, Paul tried to get them to give him the  
7 drugs, the quarter pound of marijuana. Hard to  
8 believe that two people could be killed and four  
9 people's lives ruined over a quarter pound of  
10 marijuana, but that's what it was.

11 And during the course of that Paul, whether  
12 he was spooked or felt that they weren't  
13 cooperating, at some point shot Keifer first. And  
14 then Michael, in an effort to save himself and to  
15 probably try to get the gun away from Paul, began  
16 struggling with him and was shot, as well.

17 Michael was basically pronounced dead almost  
18 immediately from his wounds and died pretty much at  
19 the scene. And Keifer, although he appeared to be  
20 okay initially, suffered a wound to the head, a  
21 gunshot wound to the head, and went into a coma  
22 later that day, and actually was taken off life  
23 support and passed away a few days after that.

1 When Paul Lacombe was taken into custody, he  
2 didn't make any effort to hide what he did. He was  
3 cooperative with the police, and did give a full  
4 confession, and took responsibility for being the  
5 one to shoot both Michael and Keifer. He did tell  
6 the detectives of the plan, the plan that was  
7 hatched in Newark mostly by Claude, but certainly  
8 Paul agreed to participate, and they came up with  
9 the target to rob, targets to rob.

10 THE COURT: It's my understanding that maybe  
11 Claude knew these people better. Am I right about  
12 that? I was having trouble figuring out how they  
13 hooked up and how they knew each other.

14 MS. NORRIS: Your Honor, Claude chose not to  
15 show his face to Michael and to Keifer because it  
16 was his intent to rob them again later, and he  
17 didn't want them to know who he was. So there had  
18 been previous dealings between them up in  
19 Pennsylvania at Temple, which is how they were sort  
20 of known to each other, the two groups.

21 Claude, in correspondence, which, again, had  
22 the State gone to trial, we would have admitted  
23 correspondence seized at the motel belonging to



1 Claude; notebooks, diaries, journals created by  
2 Claude. And we say created by Claude because his  
3 paperwork was all mixed in with all of this. It  
4 matches his handwriting. We would have been able  
5 to show that it was, indeed, Claude's.

6 Claude was determined to live this lifestyle  
7 of this sort of gangsta rapper. There were a lot  
8 of rap lyrics he wrote. And it all talks about  
9 robbing, shooting, killing, disrespecting women.  
10 There were volumes and volumes of this recovered.  
11 It was clearly a lifestyle that Claude embraced,  
12 and it was a lifestyle that he not only thought  
13 about, but chose to act on at least on  
14 December 26th of 2011 when this was all set into  
15 play.

16 Had the case gone to trial, we would have  
17 presented the testimony of both Christie Emmons who  
18 was Claude Lacombe's girlfriend and drove the  
19 vehicle that day and was there, and Elijah Pressley  
20 who was friends with Claude, new Claude much better  
21 than he knew Paul. They used to run together when  
22 they were younger, and Elijah considered Paul his  
23 friend. So perhaps he should have exercised better

1 judgment, but when Claude called him and asked him  
2 to come and look out for his little brother Paul  
3 when they were going to do a caper, Elijah agreed.  
4 And had we gone to trial, both Elijah and Christie  
5 were prepared to give that testimony.

6 I tell the Court that because when you look  
7 at what Claude physically did, he sat in the car  
8 while Paul and Elijah actually went when the  
9 robbery and the murder of both Michael and Keifer  
10 occurred. But Claude set all of this in motion.  
11 Claude is the one who put it all into play. Claude  
12 is the one who selected who would be present.  
13 Claude is the one who determined the location.  
14 Claude is the one who determined the time. Claude  
15 is the one who controlled all of this.

16 And I think the control of Claude is  
17 evident, very evident in this case, because, as the  
18 Court knows, again, with regard to Paul Lacombe,  
19 the younger brother, had we gone to trial, there  
20 would have been evidence in Claude's case submitted  
21 that as soon as Paul, who tried immediately to take  
22 responsibility for what he did, looked like he was  
23 going to resolve his case, Claude filed a motion

1 under the name of Paul to fire his lawyers and to  
2 say he didn't want to resolve his case.

3 How do we know that it was actually Claude  
4 who filed it? Well, first, when his lawyers asked  
5 Paul about it, he didn't know anything about what  
6 they were talking about. And on a hunch the State  
7 took the letter and had it fingerprinted, and there  
8 were exactly three fingerprints we would have  
9 submitted into evidence with the letter. All three  
10 belonged to Claude.

11 So even after two people are dead, four  
12 people are arrested, the person most responsible is  
13 trying to take responsibility for what he did, we  
14 have the older brother, the mastermind, the puppet  
15 master, still trying to control the outcome of  
16 this.

17 So don't be fooled when you consider what  
18 sentence to give Claude by the fact that he stayed  
19 in the car when this robbery and double homicide  
20 occurred. He didn't pull the trigger, but he may  
21 as well have, because he set the whole thing in  
22 play.

23 Now, he has pled to a series of charges

1 before this Court, and the State is recommending  
2 that he receive 22 years Level V time followed by a  
3 lengthy period of probation when he is released.

4 Paul has pled to a murder first charge, and,  
5 as the Court and everyone in the room is aware,  
6 there is only one sentence available to Paul, and  
7 that is natural life, and that is what we're asking  
8 for Paul.

9 Based on his cooperation, based on his  
10 acceptance of responsibility, based on the  
11 manipulation that we believe did occur, based on  
12 his mental illnesses which he does possess,  
13 although he is medicated and doing much better, we  
14 believe that a life sentence is more appropriate  
15 for him in this case than to seek the death  
16 penalty, and that is why we accepted the plea and  
17 offer it to the Court on murder in the first  
18 degree. Thank you, Your Honor.

19 THE COURT: Thank you.

20 I'll hear first from attorneys for Paul  
21 Lacombe.

22 MS. VAN AMERONGEN: Your Honor, it's always  
23 difficult, I'm sure, for everybody to hear I guess

1 the testimony of the victim's families, because we  
2 know on the defense side that there isn't anything  
3 that we can do to comfort them. And, hopefully,  
4 just the nature of this proceeding will bring them  
5 some closure, because it probably won't bring them  
6 the peace that they deserve.

7 I would like to say, though, with regard to  
8 Paul Lacombe, Your Honor, notwithstanding the more  
9 recent motion, when Mr. Armstrong and I met with  
10 him early on in the case, he expressed remorse for  
11 what he had done. I think no one was really more  
12 shocked about what happened than Paul himself. I  
13 think that's evident through his taped confession.  
14 He was very tearful in the beginning of it.

15 At the time of the preliminary hearing I  
16 handled that matter, and the chief investigating  
17 officer who testified expressed the opinion that  
18 this was not intended to be a murder. It was  
19 intended to be a robbery. My client and the  
20 co-defendants, there's every bit -- all the  
21 evidence suggests that they all set up a robbery of  
22 a large amount of drugs.

23 The State is referring to it as a quarter

1 pound of marijuana, but the transaction was  
2 supposed to be for approximately \$1,400. It was  
3 supposed to be a robbery. It was supposed to be a  
4 robbery with a gun.

5 What it turned into, unfortunately, was a  
6 double felony murder, even though the premeditation  
7 was really for a robbery. And I think the State  
8 understands that. And I'm sure that's not much  
9 comfort to the victims' families in this case. But  
10 this was not an intended murder. Notwithstanding,  
11 as the Court has seen many times, when there are  
12 robberies that involve a gun, this is the sort of  
13 thing that happens all too often.

14 My client not only accepted responsibility,  
15 but he gave a very detailed and lengthy statement.  
16 He also offered to take the chief investigating  
17 officer on a ride-along so that they could recover  
18 some bloody clothing that had wrapped the firearm  
19 that was used in the case that was deposited or  
20 secreted in, I think it was a dumpster on Kirkwood  
21 Highway. And my client actually physically told  
22 the officer where it was so that they could at  
23 least get the gun off the street, so to speak. So

23

1 he was extremely cooperative in the beginning.

2 I know his parents have done, I think,  
3 probably the best that they could for him. He was  
4 in and out of a variety of schools, started to have  
5 some problems even as early as elementary school.  
6 His parents did everything they could to move him  
7 to schools, when it seemed appropriate, to take him  
8 to different facilities, especially if there was  
9 criminality involved as a juvenile, as there was in  
10 several different states. They were on top of it.  
11 They tried to move him to a place where he could  
12 get the counseling he needed. And I think,  
13 unfortunately, it didn't help him the way he needed  
14 to be helped.

15 His mother was brought in, I think, sometime  
16 in April of last year to discuss a resolution of  
17 this case. We made it known that it was our intent  
18 to seek a plea bargain in the case because we  
19 believed -- when I say "we," I mean not just myself  
20 and Mr. Armstrong, but Susan Baddorf who served as  
21 the mitigation specialist and James Lane who was  
22 the investigating officer in this case. And we had  
23 a paralegal, of course, on the case, too, Kim White

1 McCurry, who all shared the belief that a  
2 resolution in this case would be in our client's  
3 best interest.

4 And to that end, Your Honor, we invited  
5 Miss Wilson, his mother, in to speak with us about  
6 it. At the time she was in agreement. She shared  
7 some information about Paul's mental health  
8 background. She shared that she was very surprised  
9 that this was the kind of call that she would get  
10 about Paul. She said it would not surprise her if  
11 Paul had threatened to commit suicide, because that  
12 had happened enough that the police actually came  
13 to her door when he was texting a girlfriend that  
14 he was going to kill himself. The police would  
15 arrive at her door because the girlfriend, I guess,  
16 alerted the police to what was going on.

17 And, so, we believe that Paul must have been  
18 extremely depressed on or about or close to the  
19 time that these homicides occurred, and she was  
20 very concerned about that. She expressed the  
21 belief that she was surprised that this was Paul,  
22 and that she would not have been surprised, had it  
23 been Claude, or she would have been less surprised

1 if it had been Claude that they called about. But  
2 this wasn't the kind of thing that Paul got himself  
3 into.

4 Even though Ms. Wilson and Claude Lacombe,  
5 Senior, have been divorced for many years, our  
6 conversations with Claude Lacombe, Senior, were to  
7 the same effect, that this would not have surprised  
8 him if it was Claude, but it was more surprising  
9 that it was Paul because -- and I'm summarizing.  
10 It's not word-for-word what they said. That Paul  
11 was more a follower and looked up to his brother  
12 and respected him.

13 And I don't know how much of this was born  
14 of that. Certainly, Paul was the person by himself  
15 in the car at the time. When we tried to say, you  
16 know, you're the person with the gun, and they're  
17 not armed, why wouldn't you just threaten them and  
18 just get out of the car and leave? You know, why  
19 did the homicide have to occur?

20 And I think Paul answered as honestly as he  
21 could both to us and to the chief investigating  
22 officer. When he went to exit the vehicle, the  
23 child safety lock was engaged on the door, and he

1 could not get out. And Paul felt trapped. And  
2 instead of probably dealing with that in a much  
3 more rational way, assuming it's even rational to  
4 be in that situation in the first place, what he  
5 did was he fired the first shot because he felt  
6 trapped in the car.

7 And it was a very immature response. It was  
8 a very -- it evidenced a complete lack of judgment  
9 about the way to handle a situation that should  
10 have never had to be handled in the first place.  
11 And that split second decision to handle it in that  
12 manner and to commit the homicides is, of course,  
13 going to devastate the many people in this room,  
14 not just my client's family, but very obviously the  
15 victims' families.

16 I know my client regrets that. He did not  
17 intend that to happen. But as the law in Delaware,  
18 and Mr. Armstrong has explained, it's a felony  
19 murder, regardless. When you take a gun to a  
20 robbery, that sort of conduct is foreseeable.

21 I explained to my client that probably one  
22 of the more tragic cases that I've dealt with in  
23 the last few years was a situation in which there

24

1 was -- my client was pointing a gun at two other  
2 people, and a police officer went to go handle a  
3 domestic violence complaint nearby and happened to  
4 see the scene, and pointed his gun and said drop  
5 your weapon. And my client turned, and that's when  
6 the police officer fired shots. And he not only  
7 killed one of the innocent victims, but he shot my  
8 client in the head who ended up living.

9 My client in that case, even though he  
10 didn't kill anybody, was charged with first degree  
11 murder. And I tried to explain to my client that  
12 even though my client didn't shoot anyone, he set  
13 up a situation. And the research that we did  
14 indicated that there were cases that were far less  
15 direct of a cause -- showing far less direct  
16 causation than that that were deemed to be murder  
17 based on a transferred intent theory.

18 And in this particular case we didn't even  
19 have that. My client was the person who was  
20 directly responsible for pointing a firearm at two  
21 different people and killing them. So we tried to  
22 explain to him that even if it wasn't your intent,  
23 many people think if it's premeditated murder,

1 that's what murder first degree is. And we've  
2 explained to our client and his family on several  
3 occasions that all you have to do is intend to kill  
4 somebody. You don't have to think about it, or  
5 plan, or premeditate the actual murder. If you  
6 premeditated the robbery, that's sufficient.

7 And, so, we explained that to our client.  
8 And I believe that when he made a choice to plead  
9 guilty in this case, it was in his best interest.  
10 Mr. Armstrong, and the defense team, and I still  
11 believe that, that this is in his best interest. I  
12 understand that events may unfold in a different  
13 way later, but I did want to bring all those things  
14 to the Court's attention. I don't know if there is  
15 anything Mr. Armstrong wants to add.

16 MR. ARMSTRONG: No, Your Honor.

17 MS. VAN AMERONGEN: Thank you, Your Honor.  
18 That's all.

19 THE COURT: Mr. Witherell, Mr. Veith.

20 MR. VEITH: Your Honor, I'll address. Good  
21 morning, Your Honor.

22 THE COURT: Good morning.

23 MR. VEITH: Peter Veith on behalf of Claude

1 Lacombe. These are always difficult times to be  
2 standing before the Court to advocate upon my  
3 client when they are facing sentencing for a murder  
4 charge.

5 I would submit to the Court that when this  
6 plea offer was structured, that all the issues the  
7 State raised before Your Honor today about Claude's  
8 involvement and being the mastermind behind this  
9 was incorporated in the plea. He's facing a  
10 minimum of 21 years, and the State has capped the  
11 recommendation at 22 years.

12 On behalf of Mr. Lacombe, we feel that that  
13 is a reasonable sentence recommendation. Everybody  
14 loses in this situation. Mr. Lacombe's family is  
15 devastated. I can't even comprehend what the  
16 victims' families are going through. They stood  
17 before Your Honor and were eloquent, and showed  
18 remarkable poise and class in speaking on behalf of  
19 their children.

20 Mr. Lacombe is a young man. He's had a  
21 fairly troubled childhood. He has had some  
22 interaction with the criminal justice system. But  
23 it is our opinion that 22 years is sufficient time

1 for him to, hopefully, get his life back on track.  
2 And he has written a letter of apology that he  
3 would like to read to Your Honor.

4 THE COURT: Both defendants will have an  
5 opportunity to speak.

6 MR. VEITH: Okay. I just want to let the  
7 Court know that he has written that letter, and he  
8 is prepared to apologize for his actions today.  
9 Thank you, Your Honor.

10 THE COURT: Thank you.

11 Mr. Paul Lacombe, anything you would like to  
12 say to the Court before I impose sentence.

13 DEFENDANT PAUL LACOMBE: Yes, Your Honor. I  
14 would like to say I'm sorry for the things that I  
15 did and going to these type of activities that lead  
16 me down this path to get me a life sentence where  
17 I'll lose the rest of my life and cause more harm  
18 to the people that I was around, and especially to  
19 the victim's family.

20 I would like to apologize to everybody in  
21 the courtroom for being here for this event and to  
22 meet these people on these types of grounds because  
23 everybody shouldn't be here right now, and it's all

1 because of me. And I took matters in my own hands,  
2 and went to plan these robberies, and indulge in  
3 this lifestyle, and this is the consequence I get  
4 for wanting to be like that. And I'm truly sorry  
5 for everybody who's suffering from this, especially  
6 the victims' family and everybody else, based off  
7 my own stuff and being depressed and everything  
8 like that, and not really having the guidance on  
9 what to do. And I don't really know what I was  
10 thinking. I'm just sorry.

11 THE COURT: Thank you.

12 Mr. Claude Lacombe, is there anything you'd  
13 like to say before I impose sentence?

14 DEFENDANT CLAUDE LACOMBE: Yes, ma'am.  
15 First, I apologize to the family of the victims'  
16 for my inexcusable actions that played a role in  
17 this unfortunate event. I sincerely apologize for  
18 their loss and pain and suffering that they have  
19 been burdened with.

20 I apologize to each of my co-defendants and  
21 their family members for not being the one to help  
22 prevent the situation, and I also apologize for the  
23 difficulties that they have also had to endure. I

1 apologize to my whole family, too. I ask the Court  
2 to accept my plea for leniency and to acknowledge  
3 my acceptance of responsibility. I live with the  
4 regret of my decision to involve myself in this  
5 negative incident, and I will be using the sentence  
6 to prepare for my future release so that I can  
7 prevent from ever being involved in negativity  
8 again.

9 Again, I apologize to everyone affected by  
10 this unfortunate event, and I hope everything I  
11 have stated is accepted as being true and sincere.

12 THE COURT: Thank you.

13 These kinds of sentencings are always very  
14 difficult. The focus following the commission of  
15 crime is always on the defendant: What about his  
16 background? What about who he is, what the  
17 sentence should be? And the focus at this hearing  
18 has given a little balance to that, because it has  
19 been focussed in many respects on the victims, as  
20 well.

21 I've watched both of you in the time that  
22 the families were speaking. I hope you've  
23 reflected that having engaged in the kind of

1 conduct you engaged in, it could have easily been  
2 your own family standing there speaking, and I wish  
3 every young man who is engaged in the sale of drugs  
4 and involvement of guns or risky behavior in our  
5 city and community could have been sitting in this  
6 courtroom today to see and hear the terrible  
7 consequences of what seemed to be innocent or okay  
8 decisions or accepted decisions within their  
9 communities.

10 There is no, no good drug dealing situation,  
11 whether you think you know the people or you don't.  
12 The risks are so high. And I just wish that every  
13 one of the young men who are standing out there,  
14 and aimless out there, or has aspirations out there  
15 could have heard all of what I've heard this  
16 morning.

17 The record does seem to indicate that Paul  
18 Lacombe has mental health issues. I have  
19 determined that he could enter a plea of guilty,  
20 but mentally ill. And it does seem to indicate  
21 that Claude Lacombe is, I wouldn't call you the  
22 mastermind, but, nonetheless, a significant factor  
23 in the planning and determination of the events

1 that transpired that led to the circumstances as  
2 they ended.

3 The State made a statement that is a new  
4 fact for me, and that is that Claude Lacombe hid  
5 himself from the victims because he intended to  
6 perhaps rob them again later. Can you tell me  
7 about that fact, please?

8 MS. NORRIS: Your Honor, I'm not sure how  
9 much more I can add, other than to say that both --

10 THE COURT: How do you know that, is what  
11 I'm asking?

12 MS. NORRIS: In speaking with Paul Lacombe  
13 after he entered his plea in preparation for trial,  
14 and in speaking with Elijah Pressley after his plea  
15 in preparation for trial, and in speaking with  
16 Christie Emmons in preparation for trial, that fact  
17 became clear from all three independently.

18 THE COURT: Okay.

19 MS. NORRIS: In addition, though, before  
20 that time during the investigation it became known,  
21 at least generally, that Paul had been the one  
22 selected to do the robbery because Claude did not  
23 want them to see him. And I think -- I don't want

1 to misspeak to the Court, but I believe that fact  
2 was known, at least generally, early on in the  
3 investigation, and then fleshed out in preparation  
4 for trial against Claude. And, without a doubt,  
5 the testimony of all three reflected that.

6 THE COURT: Thank you.

7 MS. NORRIS: Thank you.

8 THE COURT: The circumstances are horrible.  
9 There are -- I think someone said there are no good  
10 results from this kind of thing. That is  
11 absolutely true. Families have been destroyed.  
12 Lives have been destroyed. Losses have occurred.  
13 Unspeakable grief has been generated. And while  
14 your families can see you or talk to you, they've  
15 lost you, as well, in many respects.

16 And, so, in order to make what I think is as  
17 fair a decision as possible, and considering the  
18 motivation, intent, planning, et cetera, that went  
19 into this, and the relative participations, I've  
20 come to the conclusion that the following sentences  
21 are appropriate.

22 In State vs. Paul Lacombe, in Criminal  
23 Action 12-01-0369, murder in the first degree, you

1 are adjudged guilty, but mentally ill, of the  
2 offense charged. The costs of prosecution are  
3 suspended. And effective December 28th of 2011 you  
4 are placed in the custody of the Department of  
5 Correction at Supervision Level V for the balance  
6 of your natural life.

7 In 12-01-0375, conspiracy in the second  
8 degree, you are placed in the custody of the  
9 Department of Correction for two years at Level V.  
10 That's suspended for two years at Level IV  
11 Department of Correction discretion. And after six  
12 months the balance is suspended for 18 months at  
13 Level III. That sentence will run consecutive to  
14 the sentence in 12-01-0369, murder in the first  
15 degree.

16 Conditions, should you ever be released in  
17 the community, are that you have no contact with  
18 any of the victims' families in any way or with any  
19 of your co-defendants, that you are to provide a  
20 DNA sample to the State. You are to complete an  
21 anger management program, be evaluated for  
22 substance abuse, and follow any treatment  
23 recommendations, as well as a mental health

1 evaluation, and follow any treatment  
2 recommendations. And in the event, as I expect you  
3 might be, you are prescribed medications, you are  
4 to take them as prescribed.

5 Mr. Claude Lacombe. The options for the  
6 Court were a little different in this matter. I  
7 could have given as little as 15 years to you for  
8 your role in this matter. But I see your role,  
9 candidly, as being fairly equal in different  
10 respects to that of your brother, and the sentence  
11 in is 12-01-1272, murder in the second degree, it's  
12 the sentence of the Court that effective 12/28/2011  
13 you are placed in the custody of the Department of  
14 Correction at Level V for the rest of your natural  
15 life.

16 No comments, please.

17 In 12-01-1275, possession of a firearm  
18 during the commission of a felony, you are placed  
19 in the custody of the Department of Correction for  
20 a period of five years at Level V.

21 In 12-01-1273, attempted robbery in the  
22 first degree, you're placed in the custody of the  
23 Department of Correction for a period of five years

1 at Level V.

2 And in 12-01-1278, conspiracy in the second  
3 degree, you are placed in the custody of the  
4 Department of Correction for a period of two years  
5 at Level V. That is suspended for two years at  
6 Level IV Department of Correction discretion.  
7 After serving six months the balance is suspended  
8 for 18 months at Level III.

9 You are both committed to the custody of the  
10 Department of Correction.

11 Before the State leaves the courtroom, we  
12 have two defendants that are on for sentencing for  
13 tomorrow in the same matter. Is there any intent  
14 to have the family of the victims attend those  
15 sentencings? How are you going to proceed?

16 MS. NORRIS: Thank you, Your Honor. In  
17 speaking with the families, they were leaning  
18 towards not being able to be here tomorrow. Their  
19 concerns --

20 THE COURT: Mr. Thomas's hand is in the air.  
21 Maybe you should take a moment to speak with him.

22 MS. NORRIS: Mr. Thomas will be here  
23 tomorrow. The families' focus lay more with

1 today's sentencing, and we had discussed that it  
2 would be a similar presentation. The family, we've  
3 met with them many times. They're well aware of  
4 the roles of each of the four defendants and  
5 understood the roles of the two individuals  
6 tomorrow was lesser than the two today. So they're  
7 aware of what we're recommending.

8 For the record, tomorrow I will still  
9 present briefly some information and the letters,  
10 written copies of the letters for the record, in  
11 both of those sentencings. But that was our  
12 intent.

13 THE COURT: All right, then. We will be in  
14 recess.

15 MR. MCBRIDE: Your Honor, if I may ask a  
16 favor. I have a trial today that may go into  
17 tomorrow.

18 THE COURT: I do, too.

19 MR. MCBRIDE: So if I need some help being  
20 excused maybe around the time of sentencing, may I  
21 refer my trial Judge to Your Honor?

22 THE COURT: You may.

23 MS. NORRIS: Thank you, Your Honor.

1 THE COURT: We'll be in recess.  
2 (The proceedings concluded at 11:16 a.m.)  
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1 STATE OF DELAWARE:

2 NEW CASTLE COUNTY:

3 I, Lucille A. Mancini, Official Court  
4 Reporter of the Superior Court, State of Delaware,  
5 do hereby certify that the foregoing is an accurate  
6 transcript of the proceedings had, as reported by  
7 me in the Superior Court of the State of Delaware,  
8 in and for New Castle County, in the case therein  
9 stated, as the same remains of record in the Office  
10 of the Prothonotary at Wilmington, Delaware, and  
11 that I am neither counsel nor kin to any party or  
12 participant in said action nor interested in the  
13 outcome thereof.

14 This certification shall be considered null  
15 and void if this transcript is disassembled in any  
16 manner by any party without authorization of the  
17 signatory below.

18  
19 WITNESS my hand this \_\_\_\_ day of

20 \_\_\_\_\_, \_\_\_\_.

21

22

23

\_\_\_\_\_  
Lucille A. Mancini, CCR  
CCR No. 30XI00105200  
Expiration Date: June 30, 2014

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

STATE OF DELAWARE

VS.

CLAUDE LACOMB

Alias: See attached list of alias names.

DOB: 03/04/1988

SBI: 00552189

CASE NUMBER:  
1201018188

CRIMINAL ACTION NUMBER:  
PN12-01-1272  
MURDER 2ND(F)  
LIO:MURDER 1ST  
IN12-01-1275  
PFD CF(F)  
IN12-01-1273  
ATT ROBBERY 1ST(F)  
IN12-01-1278  
CONSP 2ND(F)

COMMITMENT

Nolle Prosequi on all remaining charges in this case

SENTENCE ORDER

NOW THIS 17TH DAY OF SEPTEMBER, 2013, IT IS THE ORDER OF  
THE COURT THAT:

The defendant is adjudged guilty of the offense(s) charged.  
The defendant is to pay the costs of prosecution and all  
statutory surcharges.

AS TO PN12-01-1272- : TIS  
MURDER 2ND

Effective December 28, 2011 the defendant is sentenced  
as follows:

- The defendant is placed in the custody of the Department  
of Correction for the balance of his/her natural life at  
supervision level 5

AS TO IN12-01-1275- : TIS  
PFD CF

- The defendant is placed in the custody of the Department  
of Correction for 5 year(s) at supervision level 5

AS TO IN12-01-1273- : TIS  
\*\*APPROVED ORDER\*\* 1 January 6, 2014 13:01



STATE OF DELAWARE  
VS.  
CLAUDE LACOMB  
DOB: 03/04/1988  
SBI: 00552189

ATT ROBBERY 1ST

- The defendant is placed in the custody of the Department of Correction for 5 year(s) at supervision level 5

AS TO IN12-01-1278- : TIS  
CONSP 2ND

- The defendant is placed in the custody of the Department of Correction for 2 year(s) at supervision level 5

- Suspended for 2 year(s) at supervision level 4 DOC DISCRETION

- Suspended after 6 month(s) at supervision level 4 DOC DISCRETION

- For 18 month(s) supervision level 3

- Hold at supervision level 5

- Until space is available at supervision level 4 DOC DISCRETION

SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE  
VS.  
CLAUDE LACOMB  
DOB: 03/04/1988  
SBI: 00552189

CASE NUMBER:  
1201018188

All financial obligations for this case are deemed  
uncollectible.

Have no contact with the victims' families

---

JUDGE M. JANE BRADY

\*\*APPROVED ORDER\*\*

3

January 6, 2014 13:01

31

FINANCIAL SUMMARY

STATE OF DELAWARE  
VS.  
CLAUDE LACOMB  
DOB: 03/04/1988  
SBI: 00552189

CASE NUMBER:  
1201018188

SENTENCE CONTINUED:

TOTAL DRUG DIVERSION FEE ORDERED	
TOTAL CIVIL PENALTY ORDERED	
TOTAL DRUG REHAB. TREAT. ED. ORDERED	
TOTAL EXTRADITION ORDERED	
TOTAL FINE AMOUNT ORDERED	
FORENSIC FINE ORDERED	
RESTITUTION ORDERED	
SHERIFF, NCCO ORDERED	
SHERIFF, KENT ORDERED	
SHERIFF, SUSSEX ORDERED	
PUBLIC DEF, FEE ORDERED	100.00
PROSECUTION FEE ORDERED	100.00
VICTIM'S COM ORDERED	
VIDEOPHONE FEE ORDERED	4.00
DELJIS FEE ORDERED	4.00
SECURITY FEE ORDERED	40.00
TRANSPORTATION SURCHARGE ORDERED	
FUND TO COMBAT VIOLENT CRIMES FEE	60.00
SENIOR TRUST FUND FEE	
<hr/>	
TOTAL	308.00

\*\*APPROVED ORDER\*\*      4      January 6, 2014 13:01

LIST OF ALIAS NAMES

STATE OF DELAWARE  
VS.  
CLAUDE LACOMB  
DOB: 03/04/1988  
SBI: 00552189

CASE NUMBER:  
1201018188

CLAUDE P LACOMB  
CLAUDE LACOMBE  
CLAUDE P LACOMBE