



IN THE SUPREME COURT OF THE STATE OF DELAWARE

CLAUDE LACOMBE,)
)
 Defendant – Below,)
 Appellant,)
)
 v.) **No. 560, 2013**
)
 STATE OF DELAWARE,)
)
 Plaintiff – Below,)
 Appellee.)

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

STATE’S ANSWERING BRIEF

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DATE: February 11, 2014

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NATURE AND STAGE OF THE PROCEEDINGS

On January 30, 2012, the New Castle County Grand Jury returned an indictment against Claude Lacombe alleging two counts of Murder First Degree, two counts of Attempted Robbery First Degree, four counts of Possession of a Firearm During the Commission of a Felony (“PFDCF”) and one count of Conspiracy Second Degree. A-1. The matter was designated as a capital case and assigned to Judge Joseph R. Slight, III on February 27, 2012. A-2. On December 17, 2012, the case was re-designated as a non-capital case and reassigned to Judge M. Jane Brady. A-5. Lacombe pled guilty to Murder Second Degree, Attempted Robbery First Degree and Conspiracy Second Degree on April 11, 2013. A-7. On September 17, 2013, Lacombe was sentenced to a life term of incarceration for Murder Second Degree and an aggregate of ten years incarceration for the Attempted Robbery First Degree and PFDCF charges. A-26-27. Lacombe appealed his sentence. This is the State’s answering brief.

SUMMARY OF THE ARGUMENT

Appellant's argument is denied. Lacombe's life sentence fell within the statutory penalties for Murder Second Degree. He fails to demonstrate how the sentencing judge abused her discretion, and there is no evidence in the record that the sentencing judge sentenced him with any bias, vindictiveness, or a closed mind. Lacombe likewise fails to show that his sentence was grossly disproportionate or excessive.

STATEMENT OF FACTS¹

On December 26, 2011, officers from the New Castle County Police Department (“NCCPD”) were dispatched to the Harbor Club Apartments in Newark in response to a 911 call reporting a shooting. When the officers arrived at the scene they discovered Michael A. Thomas (“Thomas”), who had suffered a gunshot wound to the chest, and Keifer C. Wright (“Wright”), who had suffered a gunshot wound to the head. Thomas and Wright both died as a result of being shot. The NCCPD investigation revealed that Thomas and Wright had come to Delaware from Philadelphia to sell marijuana. A search of text messages found on Thomas’ cell phone led police to discover that just prior to the murder, Thomas had been communicating with Paul Lacombe (“Paul”). Police learned that Paul’s brother, Claude Lacombe (“Lacombe”), lived in Delaware. On December 25, 2011, Lacombe posted a message on his Facebook page indicating that he was staying in a hotel room (specifically, room number 224). Using this information, police confirmed that Lacombe was staying at the Super 8 Motel in Newark and established surveillance of the hotel. Paul and Lacombe were stopped while driving out of the parking lot of the hotel. Lacombe had marijuana in his possession and Paul had an outstanding *capias*. Both were taken into custody.

¹ The facts of the case are taken from the Affidavit of Probable Cause in support of the arrest warrant for Claude Lacombe.

After speaking with a witness who had purchased marijuana from Lacombe earlier in the day, police learned that the witness had seen Lacombe with a small black handgun. The autopsy of Thomas revealed that he had been shot with a .22 caliber weapon. Police located and interviewed Lacombe's girlfriend, Christie Emmons ("Christie"). Christie told police that on December 26, 2011, she drove Paul, Lacombe and Elijah Pressley ("Elijah") to the area of the Harbor Club Apartments. She said that Paul and Elijah got out of her car, returned a short time later and they all left the area.

On December 27, 2011, Paul was interviewed by the police. Paul told investigators that he knew Thomas because both attended Temple University. Using his cell phone, Paul arranged to have Thomas bring a quarter pound of marijuana to Delaware to sell to him. Paul said that he, Elijah, Lacombe and Christie agreed that they were going to rob Thomas. He advised that he and Elijah were dropped off at Harbor Club Apartments while Christie and Lacombe remained in the car. Paul got into the back seat of a car in which Thomas was seated in the driver's seat and Thomas' friend (Wright) was seated in the front passenger seat. Paul put a gun to Wright's head and demanded that they give him the marijuana. During the robbery attempt, Paul shot Wright in the back of the head, then turned the gun on Thomas and shot him multiple times. He and Elijah then fled on foot.

Elijah was also interviewed by police. He told investigators that he, Paul, Lacombe, and Christie agreed to rob the victims. Elijah advised that Lacombe told him to look out for Paul during the robbery to make sure nothing happened to him. While driving to the Harbor Club Apartments, Paul showed Elijah the handgun he was carrying. Elijah's account of what happened inside Thomas' car was consistent with Paul's account to police.

ARGUMENT

THE SENTENCING JUDGE DID NOT ABUSE HER DISCRETION WHEN SHE SENTENCED LACOMBE TO A LIFE TERM. LACOMBE’S LIFE SENTENCE FOR MURDER SECOND DEGREE IS WITHIN STATUTORY LIMITS AND IS, THEREFORE, LEGAL.

Question Presented

Whether the sentencing judge abused her discretion by sentencing Lacombe to a life term for Murder Second Degree.

Standard and Scope of Review

“This Court reviews sentencing of a defendant in a criminal case under an abuse of discretion standard. Appellate review of a sentence generally ends upon determination that the sentence is within the statutory limits prescribed by the legislature.”² To the extent that Lacombe is raising a constitutional claim, this Court’s review is *de novo*.³

Merits of the Argument

On appeal, Lacombe claims that the sentencing judge abused her discretion when she sentenced him to a life term for Murder Second Degree. Lacombe concedes that his sentence is within the maximum statutory penalty, but argues that

² *Wescott v. State*, 2009 WL 3282707, at *5 (Del. Oct. 13, 2009) (quoting *Fink v. State*, 817 A.2d 781, 790 (Del. 2003) (internal quotation marks omitted)).

³ *Wescott*, 2009 WL 3282707 at *5 (citing *Norman v. State*, 976 A.2d 843,857 (Del. 2009); *Weber v. State*, 971 A.2d 135, 141 (Del. 2009); *Capano v. State*, 781 A.2d 556, 607 (Del. 2001)).

his life sentence is “exceptionally harsh and . . . grossly disproportionate to other sentences imposed.”⁴ Lacombe’s contentions are unavailing.

Lacombe first claims that the life sentence he received violates the Eighth Amendment of the United States Constitution. He argues that because he was not the shooter, he should not have received a life sentence. He points to sentences received by each of his co-defendants in support of his claim that his sentence was disproportionate.

The Eighth Amendment prohibits punishment that is either disproportionate to the crime committed or excessive.⁵ Proportionality review is limited to “those rare cases in which a threshold comparison of the crime and the sentence leads to an inference of gross disproportionality.”⁶ In *Crosby v. State*, this Court announced a two-part test to determine whether a sentence violates the Eighth Amendment of the United States Constitution:

To determine whether a particular sentence is prohibited, this 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

⁴ *Op. Brf.* at 9.

⁵ *Bednash v. State*, 2012 WL 2343593 at *2 (Del. June 19, 2012) (citing *Atkins v. Virginia*, 536 U.S. 304, 311 n.7 (2002)).

⁶ *Id.* (citing *Crosby v. State*, 824 A.2d 894, 908 (Del. 2003); *Harmelin v. Michigan*, 501 U.S. 957, 1005 (1991)).

defendant's] sentence with other similar cases to determine whether the trial court acted out of step with sentencing norms.⁷

There is no inference of gross disproportionality here, nor is the sentence excessive.

In this case, Lacombe pled to Murder Second Degree. The statutory penalties for that offense range from a minimum of 15 years to a maximum life term.⁸ Lacombe planned the robbery and had his mentally ill brother carry out the robbery with a handgun because he did not want to be recognized by the victims.⁹ As a result, two people were killed. Two of his co-defendants, who pled guilty to lesser charges, were sentenced to periods of incarceration.¹⁰ His brother, Paul Lacombe, who pled guilty but mentally ill to Murder First Degree, received a life sentence.¹¹ Lacombe's sentence is not disproportionate given the circumstances of

⁷ *Crosby v. State*, 824 A.2d at 908 (citations omitted).

⁸ 11 *Del. C.* §§ 635, 4205(b)(1).

⁹ A-22.

¹⁰ Elijah Pressley pled guilty to two counts of Manslaughter and one count of Conspiracy Second Degree and was sentenced to fifteen years incarceration. *Exhibit A*. Christie Emmons pled guilty to Attempted Robbery First Degree, Attempted Robbery Second Degree and Conspiracy Second Degree and was sentenced to six years incarceration. *Exhibit B*.

¹¹ *Exhibit C*.

the case, his involvement in the planning and execution of the robbery and the identical sentence received by his brother.¹²

Apart from his constitutional claim, Lacombe argues that the sentencing judge abused her discretion by imposing the statutory maximum sentence for Murder Second Degree. “To disturb a sentence on appeal, there must be a showing either of the imposition of an illegal sentence or of abuse of the trial judge’s broad discretion.”¹³ Generally speaking, this Court “review[s] only to determine whether the sentence imposed is within the statutory limits prescribed by the legislature.”¹⁴

Lacombe argues that because he received a life sentence, the sentencing judge treated his conviction as one for Murder First Degree rather than one for Murder Second Degree – to which he pled guilty. He claims that the life sentence imposed in his case implicates 11 *Del. C.* § 4209. Lacombe is mistaken.

Section 4209 provides the statutory sentencing scheme for Murder First Degree – not Murder Second Degree or any other form of homicide.¹⁵ Lacombe

¹² See *Bednash*, 2012 WL 2343593, at *2 (defendant’s 22-year sentence for Manslaughter for killing two people in a DUI-related accident not disproportionate when maximum penalty was 25 years).

¹³ *Weber v. State*, 655 A.2d 1219, 1221 (Del. 1995).

¹⁴ *Id.* (citing *Mayes v. State*, 604 A2d. 839, 842 (Del. 1992)).

¹⁵ Section 4209 provides, in part:

pled guilty to Murder Second Degree.¹⁶ He understood the penalty range, including the potential maximum sentence.¹⁷ Lacombe also understood that the sentencing judge would not have to follow the State's recommendation.¹⁸ As Lacombe acknowledges in his brief, the sentence he received is within the statutory maximum and is otherwise legal. Simply put, section 4209 has no applicability to Lacombe's sentence for Murder Second Degree. Lacombe's claim that section 4209 is implicated is unsupported by fact or law and must fail.

In addition to the above, Lacombe also appears to argue that a "life" sentence in this case means 45 years under this Court's holdings in *Crosby v. State*¹⁹ and *Evans v. State*.²⁰ Lacombe's reliance on *Crosby* and *Evans* is

§ 4209. Punishment, procedure for determining punishment, review of punishment and method of punishment for first-degree murder committed by adult offenders

(a) *Punishment for first-degree murder.* - Any person who is convicted of first-degree murder for an offense that was committed after the person had reached the person's eighteenth birthday shall be punished by death or by imprisonment for the remainder of the person's natural life without benefit of probation or parole or any other reduction, said penalty to be determined in accordance with this section.

¹⁶ 11 *Del. C.* § 635.

¹⁷ Lacombe signed Truth In Sentencing Guilty Plea form acknowledging that he knew the penalty range was a minimum of fifteen years and a maximum of "life." *Exhibit D.* See 11 *Del. C.* §§ 635, 4205(b)(1).

¹⁸ See *Wynn v. State*, 23 A.3d 145, 151 (Del. 2011) (affirming defendant's sentence which exceeded prosecutor's recommendation affirmed where sentence did not exceed statutory limits and defendant was aware of maximum potential sentence).

¹⁹ 824 A.2d 894.

misplaced. In *Crosby*, this Court held that a “life sentence” under the Truth-in-Sentencing (“TIS”) statute meant a term of 45 years for a defendant sentenced to “life” under 11 *Del. C.* § 4214(a) for a non-violent felony. In *Evans* this Court held that a defendant sentenced to “natural life” under the pre-TIS statutory sentencing scheme was “not eligible for conditional release and must remain incarcerated until his death, unless he is granted parole.”²¹ Neither case is applicable to Lacombe’s claim. Lacombe was sentenced for a violent felony under the TIS statute and the habitual offender statute did not apply to his case. Again, Lacombe was sentenced within the statutory limits of 11 *Del. C.* § 635, which provides for a maximum sentence of life imprisonment.²²

Because Lacombe was sentenced within the statutory maximum limit of the Murder Second Degree statute, this Court’s inquiry is limited to whether the sentencing judge abused her discretion when she sentenced Lacombe.²³ She did

²⁰ 872 A.2d 539 (Del. 2005).

²¹ *Evans*, 872 A.2d at 558 (citing *Jackson v. Multi-Purpose Criminal Justice Facility*, 700 A.2d 1203 (Del. 1997)).

²² 11 *Del. C.* §§ 635, 4205(b)(1).

²³ See *Collins v. State*, 2012 WL 3984545, at *3 (Del. Sept. 11, 2012) (Superior Court’s imposition of a thirty-five year sentence for Murder Second Degree was within the range and does not reflect evidence of a closed mind); *Carter v. State*, 2010 WL 3860665, at *2 (Del. Oct. 1, 2010) (thirty year sentence for Murder Second Degree was within statutory range reflected sentencing judge’s consideration of “the presentence report, the medical examiner’s report, [defendant’s] participation in the underlying crimes, and his prior violent conduct.”); *Bailey v.*

not. In *Wynn v. State*, this Court noted that its appellate jurisdiction to review a criminal sentence “is limited to where a defendant has alleged a basis for: ‘unconstitutionality; factual predicates which are either false, impermissible, or lack minimum indicia of reliability; judicial vindictiveness, bias or sentencing with a closed mind;’ and any other illegality.”²⁴ There is no evidence in the record, nor has Lacombe argued, that the sentencing judge was vindictive, exhibited any bias, or sentenced him with a closed mind. The Superior Court pointed to his involvement in the planning and commission of the robbery that led to the death of two people. Prior to sentencing Lacombe, the sentencing judge stated that he was “a significant factor in the planning and determination of the events that transpired [and] led to the circumstances as they ended.”²⁵ The sentencing judge found that Lacombe’s culpability was “fairly equal in different respects to that of [his] brother,” who was the shooter and received a life sentence, and she sentenced Lacombe accordingly.²⁶ It is clear from the record that the sentencing judge had an

State, 459 A.2d 531, 535 (Del. 1983) (imposition of maximum sentence was not an abuse of discretion).

²⁴ *Wynn v. State*, 23 A.3d at 148 (quoting *Siple v. State*, 701 A.2d 79, 83 (Del. 1997)).

²⁵ A-26.

²⁶ A-27.

appropriate basis upon which she relied when sentencing Lacombe. As such, the sentencing judge did not abuse her discretion.

CONCLUSION

For the foregoing reasons the judgment of the Superior Court should be affirmed.

/s/ Andrew J. Vella
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820 N. French Street, 7th Floor
Wilmington, DE 19801
(302) 577-8500

DATE: February 11, 2014

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

STATE OF DELAWARE

VS.

ELIJAH PRESSLEY

Alias: No Aliases

DOB: 03/23/1987

SBI: 00552159

CASE NUMBER:
1112018558

CRIMINAL ACTION NUMBER:
PN12-01-1286
MANSLAUGHTER (F)
LIO:MURDER 1ST
PN12-01-1288
MANSLAUGHTER (F)
LIO:MURDER 1ST
IN12-01-0185
CONSP 2ND (F)

COMMITMENT

Nolle Prosequi on all remaining charges in this case

SENTENCE ORDER

NOW THIS 18TH 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 PN12-01-1286- : TIS
MANSLAUGHTER

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

- The defendant is placed in the custody of the Department
of Correction for 25 year(s) at supervision level 5

- Suspended after 10 year(s) at supervision level 5

- For 2 year(s) 6 month(s) supervision level 4 DOC
DISCRETION

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

- For 2 year(s) supervision level 3

APPROVED ORDER 1 January 29, 2014 11:01

STATE OF DELAWARE
VS.
ELIJAH PRESSLEY
DOB: 03/23/1987
SBI: 00552159

- Hold at supervision level 5

- Until space is available at supervision level 4 DOC
DISCRETION

AS TO PN12-01-1288- : TIS
MANSLAUGHTER

- The defendant is placed in the custody of the Department
of Correction for 25 year(s) at supervision level 5

- Suspended after 5 year(s) at supervision level 5

- For 2 year(s) supervision level 3

Probation is concurrent to criminal action number
IN12-01-1286 .

AS TO IN12-01-0185- : 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 2

Probation is consecutive to criminal action number
IN12-01-1288

SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE
VS.
ELIJAH PRESSLEY
DOB: 03/23/1987
SBI: 00552159

CASE NUMBER:
1112018558

Have no contact with victm's families

Have no contact with codefendants

Pursuant to 29 Del.C. 4713(b)(2), the defendant having been convicted of a Title 11 felony, it is a condition of the defendant's probation that the defendant shall provide a DNA sample at the time of the first meeting with the defendant's probation officer. See statute.

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Defendant shall receive mental health evaluation and comply with all recommendations for counseling and treatment deemed appropriate.

Defendant shall be evaluated for substance abuse and follow recommendation for treatment, counseling and screening.

JUDGE M. JANE BRADY

FINANCIAL SUMMARY

STATE OF DELAWARE
VS.
ELIJAH PRESSLEY
DOB: 03/23/1987
SBI: 00552159

CASE NUMBER:
1112018558

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	
PROSECUTION FEE ORDERED	100.00
VICTIM'S COM ORDERED	
VIDEOPHONE FEE ORDERED	3.00
DELJIS FEE ORDERED	3.00
SECURITY FEE ORDERED	30.00
TRANSPORTATION SURCHARGE ORDERED	
FUND TO COMBAT VIOLENT CRIMES FEE	45.00
SENIOR TRUST FUND FEE	
<hr/>	
TOTAL	181.00

APPROVED ORDER

4

January 29, 2014 11:01

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

STATE OF DELAWARE

VS.

CHRISTIE EMMONS

Alias: No Aliases

DOB: 09/23/1990

SBI: 00610224

CASE NUMBER:
1112019031

CRIMINAL ACTION NUMBER:
N12-01-0269I
ATT ROBBERY 1ST(F)
PN12-01-0270I
ATT ROBBERY 2ND(F)
LIO:ATT ROBBERY 1ST
N12-01-0273I
CONSP 2ND(F)

Nolle Prosequi on all remaining charges in this case

SENTENCE ORDER

NOW THIS 18TH DAY OF SEPTEMBER, 2013, IT IS THE ORDER OF
THE COURT THAT:

The defendant is adjudged guilty of the offense(s) charged.
Costs are hereby suspended. Defendant is to pay all
statutory surcharges.

AS TO N12-01-0269-I : TIS
ATT ROBBERY 1ST

Effective December 29, 2011 the defendant is sentenced
as follows:

- The defendant is placed in the custody of the Department
of Correction for 25 year(s) at supervision level 5
- Suspended after 5 year(s) at supervision level 5
- For 2 year(s) 6 month(s) supervision level 4 DOC
DISCRETION
- Suspended after 6 month(s) at supervision level 4 DOC
DISCRETION
- For 2 year(s) supervision level 3
- Hold at supervision level 5

APPROVED ORDER 1 January 29, 2014 11:01

STATE OF DELAWARE
VS.
CHRISTIE EMMONS
DOB: 09/23/1990
SBI: 00610224

- Until space is available at supervision level 4 DOC
DISCRETION

AS TO PN12-01-0270-I : TIS
ATT ROBBERY 2ND

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

- Suspended after 1 year(s) at supervision level 5

- For 2 year(s) supervision level 3

Probation is concurrent to criminal action number
N12-01-0269I .

AS TO N12-01-0273-I : 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 2

Probation is consecutive to criminal action number
PN12-01-0270

SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE
VS.
CHRISTIE EMMONS
DOB: 09/23/1990
SBI: 00610224

CASE NUMBER:
1112019031

Have no contact with victim's families

Have no contact with codefendants

Pursuant to 29 Del.C. 4713(b)(2), the defendant having been convicted of a Title 11 felony, it is a condition of the defendant's probation that the defendant shall provide a DNA sample at the time of the first meeting with the defendant's probation officer. See statute.

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Defendant shall receive mental health evaluation and comply with all recommendations for counseling and treatment deemed appropriate.

Defendant shall be evaluated for substance abuse and follow recommendation for treatment, counseling and screening.

JUDGE M. JANE BRADY

FINANCIAL SUMMARY

STATE OF DELAWARE
VS.
CHRISTIE EMMONS
DOB: 09/23/1990
SBI: 00610224

CASE NUMBER:
1112019031

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	
PROSECUTION FEE ORDERED	
VICTIM'S COM ORDERED	
VIDEOPHONE FEE ORDERED	3.00
DELJIS FEE ORDERED	3.00
SECURITY FEE ORDERED	30.00
TRANSPORTATION SURCHARGE ORDERED	
FUND TO COMBAT VIOLENT CRIMES FEE	45.00
SENIOR TRUST FUND FEE	
<hr/>	
TOTAL	81.00

APPROVED ORDER

4

January 29, 2014 11:01

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

STATE OF DELAWARE

VS.

PAUL K LACOMBE

Alias: No Aliases

DOB: 02/15/1991

SBI: 00605942

CASE NUMBER:
1112018546

CRIMINAL ACTION NUMBER:
IN12-01-0369
MURDER 1ST(F)
IN12-01-0375
CONSP 2ND(F)

COMMITMENT

GUILTY BUT MENTALLY ILL

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.
Costs are hereby suspended. Defendant is to pay all
statutory surcharges.

AS TO IN12-01-0369- : TIS
MURDER 1ST

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 IN12-01-0375- : 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

APPROVED ORDER 1 January 29, 2014 11:01

Ex. C

STATE OF DELAWARE
VS.
PAUL K LACOMBE
DOB: 02/15/1991
SBI: 00605942

- 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.

PAUL K LACOMBE

DOB: 02/15/1991

SBI: 00605942

CASE NUMBER:

1112018546

Have no contact with victim's families

Have no contact with codefendants

Pursuant to 29 Del.C. 4713(b)(2), the defendant having been convicted of a Title 11 felony, it is a condition of the defendant's probation that the defendant shall provide a DNA sample at the time of the first meeting with the defendant's probation officer. See statute.

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Defendant shall receive mental health evaluation and comply with all recommendations for counseling and treatment deemed appropriate.

Take all medications as prescribed.

Be evaluated for substance abuse and follow any recommendations for counseling, testing or treatment deemed appropriate.

Defendant shall successfully complete anger management, counseling, treatment program.

JUDGE M. JANE BRADY

FINANCIAL SUMMARY

STATE OF DELAWARE
VS.
PAUL K LACOMBE
DOB: 02/15/1991
SBI: 00605942

CASE NUMBER:
1112018546

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	
PROSECUTION FEE ORDERED	
VICTIM'S COM ORDERED	
VIDEOPHONE FEE ORDERED	2.00
DELJIS FEE ORDERED	2.00
SECURITY FEE ORDERED	20.00
TRANSPORTATION SURCHARGE ORDERED	
FUND TO COMBAT VIOLENT CRIMES FEE	30.00
SENIOR TRUST FUND FEE	
<hr/>	
TOTAL	54.00

APPROVED ORDER

4

January 29, 2014 11:01

TRU...-IN-SENTENCING GUILTY PLEA FORM
 IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
 IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)

ID: 12d1018188

v. Claude Lacombe

CRA: _____

Date of Birth 3/17/88

Last grade in school completed G.E.D.

- Have you ever been a patient in a mental hospital? Yes No
- Are you under the influence of alcohol or drugs at this time? Yes No
- Have you freely and voluntarily decided to plead guilty to the charges listed in your written plea agreement? Yes No
- Have you been promised anything that is not stated in your written plea agreement? Yes No
- Has your lawyer, the State, or anyone threatened or forced you to enter this plea? Yes No
- Do you understand that because you are pleading guilty you will not have a trial, and you therefore waive (give up) your constitutional rights:
- (1) to have a lawyer represent you at trial
 - (2) to be presumed innocent until the State can prove each and every part of the charge(s) against you beyond a reasonable doubt;
 - (3) to a speedy and public trial by jury;
 - (4) to hear and question the witnesses against you;
 - (6) to present evidence in your defense;
 - (7) to testify or not testify yourself; and,
 - (8) to appeal, if convicted, to the Delaware Supreme Court with assistance of a lawyer?
- Yes No

OFFENSE	STATUTORY PENALTY Incarceration	MINIMUM MANDATORY (if any)	TIS GUIDELINE	Amount of Fine (range if applicable)
<u>Murder 2nd</u>	<u>15-LIFE</u>	<u>15 yrs</u>	<u>15 yrs alt</u>	<u>CF</u>
<u>RIFDF</u>	<u>3-25</u>	<u>3</u>	<u>2-5 yrs LT</u>	<u>CF</u>
<u>Attempt Rob 1st</u>	<u>3-25</u>	<u>3</u>	<u>2-5 yrs LT</u>	<u>CF</u>
<u>Casualty 2nd</u>	<u>0-2</u>	<u>-</u>	<u>12 mo CF</u>	<u>CF</u>

TOTAL CONSECUTIVE MAXIMUM PENALTY: Incarceration: 21 yrs w/m / Life Fine: CF

NON-CITIZENS: Are you aware that conviction of a criminal offense may result in deportation/removal, exclusion from the United States, or denial of naturalization? Yes No

Is there a **minimum mandatory penalty**? Yes No

Is there a **mandatory revocation of driver's license or privileges** as a result of your plea? Yes No

If so, what is the **length of revocation**? _____ years

Has anyone promised you what your sentence will be? Yes No

Were you on **probation or parole** at the time of this offense? (A guilty plea may constitute a violation.) Yes No

Do you understand that a guilty plea to a felony will cause you to **lose your right to vote, to be a juror, to hold public office, to own or possess a deadly weapon, and other civil rights**? Yes No

Is this an offense which results in the loss of the **right to own or possess a deadly weapon**? Yes No

Are you satisfied with your lawyer's representation of you, and that your lawyer has **fully advised you of your rights**? Yes No

If this is an offense which requires **registration as a sex offender**, has your lawyer discussed those requirements with you? Yes No

Have you read and understood all the information in this form? Yes No

Are all your answers truthful? Yes No

[Signature]
 Defense Counsel

4/16/13
 Date

[Signature]
 Defendant

Veith
 Print Name

Claude Lacombe
 Print Name

CERTIFICATION OF SERVICE

The undersigned certifies that on February 10, 2014, he caused the attached *State's Answering Brief* to be delivered via Lexis/Nexis File and Serve to the following person:

Andrew J. Witherell, Esq.
100 East 14th Street
Wilmington, DE 19801

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Andrew J. Vella
Deputy Attorney General
ID No. 3549
Department of Justice
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