

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CALVIN HARDY,	§
	§ No. 77, 2024
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID Nos. S2210012379
STATE OF DELAWARE,	§ S2210012468
	§
Appellee.	§
	§

Submitted: June 5, 2024
Decided: July 29, 2024

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, Justices.

ORDER

Upon consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Calvin Hardy, filed this appeal from his sentencing for a violation of probation (“VOP”). The State has moved to affirm the judgment below on the ground that it is manifest on the face of Hardy’s opening brief that his appeal is without merit. We agree and affirm.

(2) In May 2023, Hardy resolved charges in two cases by pleading guilty to two counts of aggravated menacing. The Superior Court sentenced Hardy to a total of ten years of imprisonment, with credit for 193 days served, suspended for one year of Level III probation.

(3) On February 1, 2024, the Superior Court found Hardy in violation of probation. The court sentenced him to a total of nine years, four months, and fifteen days of imprisonment, suspended after successful completion of a Level V treatment program for one year of Level III probation.

(4) On appeal from his VOP sentence, Hardy challenges the probationary component of his sentence. He contends that serving probation will interfere with his right to parent his children, whom he states are in the care of child protective services. He does not challenge the VOP adjudication or the Level V portion of the sentence.

(5) We find no reversible error. “It is well-established that appellate review of sentences is extremely limited.”¹ Our review of a sentence generally ends upon a determination that the sentence is within the statutory limits prescribed by the legislature.² When sentencing a defendant for a VOP, the trial court may impose any period of incarceration up to and including the balance of the Level V time remaining to be served on the original sentence.³ Hardy does not contend that the sentence imposed exceeded the Level V time remaining on his sentence. The Superior Court acted within its discretion when sentencing Hardy for the violation of probation.

¹ *Kurzmann v. State*, 903 A.2d 702, 714 (Del. 2006).

² *Mayes v. State*, 604 A.2d 839, 842 (Del. 1992).

³ 11 *Del. C.* § 4334(c); *Pavulak v. State*, 880 A.2d 1044, 1046 (Del. 2005).

NOW, THEREFORE, IT IS ORDERED that the Motion to Affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ N. Christopher Griffiths

Justice