IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY A. HOGAN,	§	
	§	No. 44, 2026
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID Nos. 2112003872 (S)
STATE OF DELAWARE,	§	2409013092 (S)
	§	
Appellee.	§	

Submitted: September 8, 2026
Decided: November 9, 2026

Before **TRAYNOR**, **LEGROW**, and **GRIFFITHS**, Justices.

ORDER

Upon consideration of the opening brief, the motion to affirm, and the record on appeal, it appears to the Court that:

(1) The appellant, Jeffrey A. Hogan, appeals a Superior Court order sentencing him for a violation of probation ("VOP"). The State of Delaware has moved to affirm the Superior Court's judgment on the grounds that it is manifest on the face of Hogan's opening brief that the appeal is without merit. We agree and affirm.

(2) On January 6, 2023, Hogan pleaded guilty to breach of bond conditions in Criminal ID No. 2112003782. The Superior Court sentenced Hogan to two years of Level V incarceration, with credit for seventeen days previously served,

suspended for one year of Level III probation. In October 2023, the Superior Court found Hogan in violation of his probation and sentenced him to one year and eleven months of Level V incarceration, suspended for six months of Level III probation.

(3) In March 2024, Hogan was again charged with violating his probation. The VOP report alleged that Hogan had committed new crimes and failed to report to probation as directed. The VOP hearing was continued several times pending resolution of the new criminal charges, but on May 30, 2025, Hogan admitted that he violated probation by missing appointments and possessing methamphetamine. The Superior Court sentenced Hogan to one year and six months of Level V incarceration, suspended after sixty days for six months in a Level III residential treatment program.

(4) Meanwhile, in November 2024, a grand jury indicted Hogan for multiple crimes, including drug possession (methamphetamine) in Criminal ID No. 2409010392. On July 21, 2025, Hogan pleaded guilty to drug possession (methamphetamine). The Superior Court sentenced Hogan to two years of Level V incarceration, suspended for one year of Level III probation.

(5) In August 2025, Hogan was charged with violating his probation in Criminal ID Nos. 2112003782 and 2409010392. The VOP report alleged that Hogan had committed new crimes and was discharged as unsuccessful from the court-ordered drug treatment program. At the September 4, 2025 VOP hearing, the

Superior Court found that Hogan had violated his probation but deferred sentencing to give Hogan the opportunity to comply with the terms of his probation, including drug treatment, as he represented he would do. Sentencing was scheduled for October 17, 2025.

(6) At the October 17, 2025 hearing, a probation officer reported that she was told Hogan had failed to reengage with drug treatment and was not reporting to probation. Hogan claimed otherwise, and the Superior Court continued the hearing so that the relevant probation officer could be contacted.

(7) On December 11, 2025, the probation officer submitted a progress report alleging that Hogan had submitted two urine drug screens that tested positive for methamphetamine in October, had not reported to probation since the end of October, and was arrested for multiple driving offenses in December. At the sentencing hearing on January 11, 2026, the Superior Court sentenced Hogan as follows: (i) for breach of bond conditions in Criminal ID No. 2112003782, one year of Level V incarceration; and (ii) for drug possession (methamphetamine) in Criminal ID No. 2409010392, two years of Level V incarceration, suspended for one year of Level III probation. This appeal followed.

(8) In his opening brief, Hogan argues that the Superior Court judge sentenced him with a closed mind. This argument is without merit.

(9) "It is well-established that appellate review of sentences is extremely limited."[1] Appellate review generally ends upon a determination that the sentence is within statutory limits. Once Hogan committed a VOP, the Superior Court could impose any period of incarceration up to and including the balance of the Level V time remaining on his sentence.[2] The Level V time imposed for Hogan's VOP—three years of Level V incarceration suspended after one year—does not exceed the Level V time remaining on his sentence.

(10) When the sentence falls within the statutory limits, "we consider only whether it is based on factual predicates which are false, impermissible, or lack minimal reliability, judicial vindictiveness or bias, or a closed mind."[3] Hogan claims that the Superior Court judge exhibited a closed mind by (i) deciding his VOP sentence before the January 16, 2026 sentencing hearing, and (ii) indicating that he might not believe what Hogan had to say before allowing Hogan to speak. The record refutes this claim.

(11) At the May 30, 2025 VOP hearing, Hogan admitted to violating his probation and requested that his sentence include residential drug treatment while he

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

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

[3] *Kurzmann*, 903 A.2d at 714.

was on probation. The court honored this request but warned Hogan that he would face the remainder of his Level V time if he violated his probation again.

(12) Just a few months later Hogan was discharged as unsuccessful from the drug treatment program he had requested and charged with another VOP. The Superior Court judge found that Hogan violated his probation at the September 4, 2025 hearing but did not impose the Level V time remaining on his sentence as he had previously warned he might. Instead, Hogan convinced the Superior Court to defer sentencing because his urine drug screens were clean, he was reporting to probation, and he was committed to staying sober. The Superior Court warned Hogan that he needed to comply with the terms of his probation before the deferred sentencing hearing.

(13) Hogan failed to do so. At the time of the January 9, 2026 sentencing hearing, Hogan had tested positive for methamphetamine in October, stopped reporting to probation, and been arrested for multiple driving offenses. Under these circumstances, the Superior Court judge did not exhibit a closed mind by warning Hogan that he might not credit his representations. The Superior Court permitted Hogan to speak at length and ultimately imposed only one year of unsuspended Level V time for the VOPs. Hogan has not identified any reversible error by the Superior Court.

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/ Abigail M. LeGrow
Justice