

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TAURIUN MASON,	§	
	§	No. 452, 2023
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID Nos. N1907020763
STATE OF DELAWARE,	§	N2011005103
	§	N2107013653
Appellee.	§	N2203010114
	§	N2304008615

Submitted: February 16, 2024

Decided: April 3, 2024

Before **SEITZ**, Chief Justice; **VALIHURA** 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, Tauriun Mason, filed this appeal from his sentencing for violations of probation (“VOPs”). The State has moved to affirm the judgment below on the ground that it is manifest on the face of Mason’s opening brief that his appeal is without merit. We agree and affirm.

(2) On February 10, 2020, Mason pleaded guilty to second-degree assault in Criminal Action No. 1907020763 (the “2019 case”). The Superior Court sentenced Mason to eight years of imprisonment, suspended for one year of Level III probation. On March 18, 2020, the Superior Court found Mason in violation of

probation in the 2019 case and sentenced him to eight years of imprisonment, suspended for three months of Level IV supervision, followed by six months of Level III probation.

(3) In September 2020, Mason was again alleged to be in violation of probation in the 2019 case. Before that VOP was resolved, however, Mason incurred several sets of additional criminal charges in Criminal Action Nos. 2011005103 (the “2020 case”), 2107013653 (the “2021 case”), and 2203010114 (the “2022 case”), respectively. In each instance, the new charges also triggered VOP allegations in the 2019 case, but the Superior Court scheduled the VOP proceedings to occur after resolution of the criminal charges.

(4) On April 4, 2022, Mason pleaded guilty to second-degree assault in the 2020 case. The Superior Court sentenced him to four years of imprisonment, suspended for one year of Level III probation. Following the resolution of the criminal charges in the 2020 case, on April 12, 2022, the court found Mason in violation of probation in the 2019 case and sentenced him to seven years of imprisonment, suspended after thirty-one days for twelve months of Level III with GPS monitoring.

(5) Mason then incurred new charges in a fifth case, Criminal Action No. 2304008615 (the “2023 case”). On June 21, 2023, Mason resolved the 2021, 2022, and 2023 cases by pleading guilty to second-degree assault, second-degree robbery,

and criminal contempt. The court sentenced Mason as follows: for second-degree assault, eight years of imprisonment, suspended for eighteen months at Level III with GPS monitoring; for second-degree robbery, five years of imprisonment, suspended for eighteen months of Level III with GPS monitoring; and for criminal contempt, one year of imprisonment, suspended for one year of Level III with GPS monitoring.

(6) On October 20, 2023, a probation officer filed an administrative warrant alleging that Mason had been released from prison on June 22, 2023, but failed to report to probation as required on multiple dates and otherwise failed to fulfill the conditions of his probation. On November 7, 2023, the Superior Court found Mason in violation of probation and sentenced him. In the 2019 case, the VOP sentence was six years and ten months of imprisonment, suspended after thirty days. In the 2020 case, the VOP sentence was four years of imprisonment, with credit for 105 days previously served, suspended after ninety days. In the 2021, 2022, and 2023 cases, the court imposed a total of 270 days of unsuspended time for the VOPs.

(7) Mason appeals the VOP sentences imposed in the 2019 and 2020 cases (Criminal Action Nos. 1907020763 and 2011005103). He appears to contend that the June 2023 plea deal that resolved the criminal charges in the 2021, 2022, and

2023 cases provided that his probation in the 2019 and 2020 cases would be discharged.

(8) We find no reversible error. “It is well-established that appellate review of sentences is extremely limited.”<sup>1</sup> Our review of a sentence generally ends upon a determination that the sentence is within the statutory limits prescribed by the legislature.<sup>2</sup> If 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.”<sup>3</sup> 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.<sup>4</sup>

(9) Mason’s argument that the June 2023 plea deal provided for discharge of his probation in the 2019 and 2020 cases is without support in the record. The June 2023 plea agreement reflects that, in exchange for Mason’s guilty plea to certain charges in the 2021, 2022, and 2023 cases, all other charges in those cases, a Family Court case, and two Justice of the Peace Court cases would be dismissed. The agreement does not refer to dismissal of any charges in the 2019 and 2020 cases,

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

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

<sup>3</sup> *Kurzmann*, 903 A.2d at 714.

<sup>4</sup> 11 Del. C. § 4334(c).

nor does the agreement indicate that probation in the 2019 and 2020 cases would be discharged. Mason therefore has not established any basis to conclude that his VOP sentences exceeded the Level V time remaining or are otherwise subject to reversal.

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/ Collins J. Seitz, Jr.  
Chief Justice