

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAHMIIR COOPER,	§
	§ No. 617, 2013
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1106012270
Plaintiff Below-	§
Appellee.	§

Submitted: February 14, 2014

Decided: March 18, 2014

Before **HOLLAND**, **BERGER** and **RIDGELY**, Justices.

ORDER

This 18th day of March 2014, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The defendant-appellant, Dahmir Cooper, filed this appeal from a Superior Court order sentencing him for a violation of probation ("VOP"). We find no merit to Cooper's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that, on September 6, 2011, Cooper pled guilty to one count of Maintaining a Dwelling for Keeping Controlled Substances. In exchange for his guilty plea, the State dismissed other criminal charges against him. The Superior Court immediately sentenced Cooper to three years at Level V

incarceration, suspended entirely for six months at Level IV work release, followed by one year at Level III probation. On February 23, 2012, the Superior Court modified its 2011 sentence order by removing the Level IV work release and deferring Cooper's probationary sentence until he returned to Delaware following completion of a sentence he was serving in Pennsylvania.

(3) Cooper was released from prison in Pennsylvania on November 9, 2012. At the time he faced probationary sentences from both Delaware and Pennsylvania. After his release, Cooper did not return to check in with probation in Delaware or Pennsylvania. Upon an investigation by Delaware probation officers, it was found that Cooper returned to Delaware without permission from his Pennsylvania probation officer. It was also revealed that Cooper had absconded from supervision in Pennsylvania. Cooper's Delaware probation officer filed a violation of probation report on March 27, 2013. Cooper was arrested by Delaware law enforcement on September 25, 2013. On October 8, 2013, the Superior Court found that Cooper had violated his probation and sentenced him to three years at Level V, suspended after serving eleven months in prison, to be followed by one year at Level III probation.

(4) On appeal Cooper argues that he did not violate his probation. We review a Superior Court's finding of a violation of probation for abuse of discretion.¹

(5) Cooper argues that he was not required to begin his probation in Delaware until he finished his probation in Pennsylvania and that failing to report to his Pennsylvania probation officer should not be grounds for a violation of probation in Delaware. Delaware law, however, does not prohibit serving concurrent terms of probation.² Moreover, a defendant's probation may be revoked "at any time," even before he begins serving it.³

(6) The evidence established that Cooper violated his probation by failing to report to his Pennsylvania probation officer or to his Delaware probation. Under the circumstances, the Superior Court had a sufficient basis to find that Cooper violated his probation. Thus, we find no reversible error.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *Cruz v. State*, 990 A.2d 409, 412 (Del. 2010).

² 11 *Del. C.* § 4333(c); *In re Alley*, 2010 WL 5051323 (Del. Dec. 8, 2010).

³ 11 *Del. C.* § 4333(a).