

Habitual Offender to two years at Level V under Title 11 Del. Code § 4214(a).

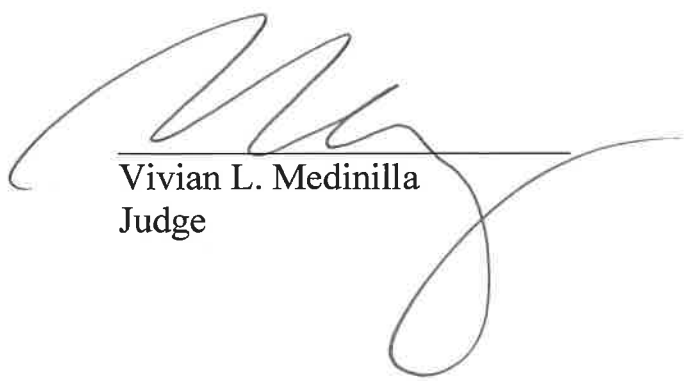
2. On the same day, Defendant was also sentenced for violating the conditions of prior probations. Despite a history of non-compliance where he had violated his previous probation five times—and faced a considerable amount of back time—this Court imposed a sentence of three months at Level V.

3. Defendant now seeks to reduce his Level V sentence under “House Bill #5” and asks that this Court run his three-month VOP Level V sentence concurrent with his two-year Drug Dealing Habitual Offender sentence. In support of his Motion, he cites to the provisions of Title 11 Del. Code § 3901(d) yet states no reasons to support the applicability of the statute to his sentence.

4. The new provisions of § 3901(d) became effective well after Defendant was convicted and sentenced in 2018. Although a sentencing judge may have additional discretion under this statute, even if it had been applicable to this Defendant, this Court exercised said discretion and expressly stated that his Level V sentences were to run consecutively. For the foregoing reasons, Defendant’s Motion for Modification of Sentence is **DENIED**.

IT IS SO ORDERED.

with an Aggravating Factor, and Assault Second Degree (physical injury to a law enforcement officer). For the Assault, he received eight years Level V, suspended after one year for eighteen months at Level III. For the Drug Dealing, he received five years at Level V, suspended after one year, for eighteen months at Level III, with concurrent probationary terms.



Vivian L. Medinilla
Judge

oc: Prothonotary
cc: Defendant
Department of Justice
Office of Defense Services
Investigative Services Office