

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
 v.) ID No. 1807000720
)
RAMAJ S. THOMPSON,)
)
 Defendant.)
)

Date Submitted: January 10, 2024
Date Decided: February 14, 2024

ORDER

Upon consideration of Defendant Ramaj Thompson’s (“Thompson”) Letter Motion for Sentence Modification (“Motion”), Superior Court Criminal Rule 35(b), statutory and decisional law, and the record in this case, **IT APPEARS THAT:**

- (1) On January 28, 2019, Thompson pled guilty to Attempted Assault First Degree, Possession of a Firearm During Commission of a Felony (“PFDCF”), Conspiracy Second Degree, and two counts of Reckless Endangering First Degree.¹
- (2) On July 25, 2019, Thompson was sentenced to 7 years of unsuspended Level V time followed by decreasing levels of supervision and probation.²

¹ D.I. 12.
² Thompson’s full sentence is as follows: for Attempted Assault First Degree (IN18-09-0909), 10 years at supervision Level V, suspended after 4 years at supervision Level V for 6 months at supervision Level IV (DOC discretion), followed by 18 months at supervision Level III, the first 2 years being mandatory, with Level V probation consecutive to any Level V already being served; for PFDCF (IN18-07-1330), 3 years at supervision Level V with no probation to follow, the first

(3) On January 10, 2024, Thompson filed the instant Letter Motion requesting the Court suspend his Level IV Home Confinement upon his completion of the Road to Recovery program, followed by a flow down to Level III probation.³

(4) Rule 35(b) governs motions for modification or reduction of sentence.⁴ “A motion for modification of partial confinement or probation is not subject to the ninety-day limitation applicable to a motion for reduction of imprisonment.”⁵ Pursuant to 11 Del. C. § 4333, any probation or suspension of sentence may be terminated at the Court’s discretion.⁶

(1) The Court’s authority to grant relief under Rule 35(b) is discretionary.⁷ Rule 35(b) does not provide specific considerations the Court must consider, rather “the Court exercises broad discretion in determining whether a situation or set of individual factors can be viewed.”⁸

(5) In support of his Motion, Thompson cites his completion of the

3 years being mandatory; for Reckless Endangering First Degree (IN18-07-1340), 5 years at supervision Level V, suspended for 5 years at supervision Level IV (DOC discretion), suspended after 6 months at supervision Level IV for 2 years at supervision Level III; for Reckless Endangering First Degree (IN18-07-1342), 5 years at supervision Level V, suspended for 2 years at supervision Level III, with probation concurrent to IN18-07-1340 (Reckless Endangering First Degree); for Conspiracy Second Degree, 2 years at supervision Level V, suspended for 1 year at supervision Level III, with probation concurrent to IN18-07-1342 (Reckless Endangering First Degree). D.I. 40.

³ D.I. 44. At the time of this request, Thompson is still serving his Level V sentence. D.I. 40.

⁴ Super. Ct. Crim. R. 35(b).

⁵ *State v. Baily*, 2017 WL 8787504, at *1 (Del. Super. Ct. Oct. 3, 2017); *State v. Redden*, 111 A.3d 602, 609 (Del. Super. Ct. 2015).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

following classes: Life Skills, Thinking for a Change, Victims Impact, and Courage to Change.⁹ In addition, he states that he earned his GED and obtained his flagger certification.

(6) While the Court commends Thompson on his compliance and completion of various educational and treatment programs, there has been no information provided that would warrant modification. The sentence is appropriate for all the reasons provided at sentencing.

NOW, THEREFORE, IT IS HEREBY ORDERED that Ramaj Thompson's Letter Motion for Sentence Modification is **DENIED**.

/s/ Jan R. Jurden
Jan R. Jurden, President Judge

Original to Prothonotary

cc: Ramaj Thompson (SBI # 626978)
Marc C. Petrucci, DAG

⁹ D.I. 44.