

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

v.

STEVEN A. WILLIAMS,

Defendant.

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I.D. No. 1508009407

Date Submitted: May 31, 2018

Date Decided: July 31, 2018

ORDER

Upon consideration of Defendant's Motion for Modification of Sentence;¹ Superior Court Criminal Rule 35; the facts, arguments, and legal authorities set forth in Defendant's Motion; statutory and decisional law; and the record in this case, **IT APPEARS THAT:**

1. On December 21, 2015, the Defendant pled guilty to Strangulation and Assault Third Degree.² For Strangulation, the Defendant was declared a Habitual Offender pursuant to 11 *Del. C.* § 4214(a). On April 8, 2016 the Defendant was sentenced as follows: for Strangulation, the Defendant was sentenced to 4 years at Level V; and for Assault Third Degree, 1 year at Level V,

¹ D.I. 14.

² D.I. 9.

followed by 6 months at Level IV DOC Discretion, followed by 6 months at Level III.³

2. In the instant Motion, the Defendant asks that the Court remove the Level IV portion of his sentence so that he may reside with his fiancée in Pennsylvania upon his release. In support of his Motion, the Defendant points to his completion of various programs while serving his time at Level V,⁴ and a letter of support from his fiancée.⁵

3. Pursuant to Superior Court Criminal Rule 35(b), the Court may reduce a sentence of imprisonment on a motion made within 90 days after imposition of the sentence. The Defendant's Motion was filed after 90 days of sentencing, but because it seeks only to modify the Level IV term of the sentence, it is not subject to this procedural time-bar.⁶

4. Pursuant to Criminal Rule 35(b), the Court will not consider repetitive requests for reduction or modification of sentence.⁷ The instant Motion is the Defendant's first and is not subject to this procedural time-bar. Therefore, the

³ D.I. 13.

⁴ D.I. 14, Exs. B-F.

⁵ *Id.* at Ex. G.


⁶ *See Iverson v. State*, 977 A.2d 890 (Del. 2009) (Table).

⁷ *State v. Culp*, 2016 WL 7176720, at *2 (Del. Dec. 8, 2016) (“A motion is ‘repetitive’ as that term is used in Rule 35(b) when it is preceded by an earlier Rule 35(b) motion, even if the subsequent motion raises new arguments.”).

procedural bars of Rule 35(b) do not preclude consideration of the Defendant's Motion.

5. After carefully reviewing the record, the sentence is appropriate for all the reasons stated at the time of sentencing. No additional information has been provided to the Court that would warrant a reduction or modification of this sentence.

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion for Modification of Sentence is **DENIED**.



Jan R. Jurden, President Judge

Original to Prothonotary:

cc: Steven A. Williams (SBI #00203047)
Kathryn van Amerongen, Esq.
Karin M. Volker, Esq.