

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

LYNDON B. JOHNSON,

Defendant.

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I.D. #1104006449

Date Submitted: June 26, 2017

Date Decided: June 28, 2017

Upon Defendant's Motion for Reargument

DENIED

ORDER

This 28th day of June, 2017, upon consideration of the Motion for Reargument filed by Defendant Lyndon B. Johnson, the facts and arguments set forth in the Motion, the State's Response and the record in this case, it appears to the Court that:


1. On November 22, 2011, the Defendant pled guilty to Assault First Degree, Possession of a Deadly Weapon During the Commission of a Felony and Conspiracy Second Degree. On June 1, 2012, effective April 8, 2011, he was sentenced to a total of 18 ½ years at Level 5, followed by decreasing levels of supervision. A sentence modification motion resulted in a reduction of that sentence to 12 years at Level 5, followed by Level 4 and Level 3. The Court's order permitted the Defendant petition for a further modification after serving six years at

Level 5.

2. On April 10 2017, the Defendant, after serving six years at Level 5, moved for modification of his sentence. On April 28th, the Court denied that motion. On May 11th, the Court received in chambers a letter from the Defendant which the Court treats as a motion for reargument. The Court requested the State's position and the State responded in opposition on June 26th.

3. The Court has considered the arguments of the parties, including the State's argument that the motion for modification is untimely and repetitive, as well as the victim's comments. The Court finds it unnecessary to address the State's legal arguments because it finds that the Defendant's rehabilitation, while commendable, is insufficient to warrant a reduction of sentence in any event. Moreover, the Defendant's arguments are not such as would warrant reconsideration under Superior Court Civil Rule 59(e) made applicable by Superior Court Criminal Rule 57(d). Accordingly, the Defendant's motion for reargument is **DENIED**.

IT IS SO ORDERED



Ferris W. Wharton, Judge

Original to Prothonotary

cc: Kate S. Keller, Esquire, Deputy Attorney General
Lyndon B. Johnson
Investigative Services