

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)		
)		
v.)	I.D. Nos.	9605020926
)		9604013921
STEVEN LUCAS,)		
)		
Defendant.)		

ORDER

On this 14th day of January, 2020, upon consideration of Defendant Steven Lucas' ("Defendant") Motion for Modification and Reduction of Sentence under Superior Court Criminal Rule 35(a) (the "Motion"),¹ the recent opinion in *State v. Thomas*,² the sentence imposed upon Defendant, and the record in this case, it appears to the Court that:

1. On July 3, 1997, Defendant was sentenced on four charges to consecutive periods of incarceration, which total 37 years, followed by decreasing levels of incarceration.³

2. On October 11, 2019, Defendant filed this Motion and requests that the Court modify his sentences to run concurrently. Defendant contends that he is entitled to relief pursuant to "House Bill #5".

¹ D.I. 97.

² 2019 WL 5704287 (Del. Super. 2019).

³ D.I. 28.

3. “House Bill #5” refers to recent legislation by the Delaware General Assembly that modified 11 *Del.C.* § 3901(d) (“§3901(d)”) to allow judges to impose concurrent periods of incarceration at sentencing.⁴

4. The 2019 amendment to §3901(d) does not affect the legality or calculation of Defendant’s 1997 sentence. Delaware courts have consistently held that amendments to §3901(d) cannot be applied retroactively to sentences imposed before the passage of the amendment.⁵

IT IS HEREBY ORDERED that Defendant’s Motion for Modification and Reduction of Sentence under Superior Court Criminal Rule 35(a) is **DENIED**.

IT IS SO ORDERED.



Sheldon K. Rennie, Judge

Original to Prothonotary

Cc: Steven Lucas (SBI#00229184), SCI-Smithfield, Huntingdon, PA
Department of Justice, Wilmington, DE

⁴ See Del. H.B. 5 § 1, 150th Gen. Assem., 82 Del. Laws ch. 66, § 1 (2019) (amending Del. Code Ann. tit. 11, § 3901(d)).

⁵ *Id.* (“But just as this Court and our Supreme Court consistently held when examining those earlier 2014 changes to § 3901(d), these 2019 amendments cannot be applied retroactively”).