

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

STATE OF DELAWARE,	)	
	)	
v.	)	ID No. 1902008301
	)	
ANDREW CHARLES,	)	
	)	
Defendant.	)	

Date Submitted: April 8, 2024

Date Decided: June 11, 2024

**ORDER**

Upon consideration of Defendant Andrew Charles’ (“Charles”) Motion for Modification of Partial Confinement (“Motion”),<sup>1</sup> Superior Court Criminal Rule 35(b),<sup>2</sup> statutory and decisional law, and the record in this case, **IT APPEARS THAT:**

(1) On March 28, 2019, Charles pled guilty to Possession of a Firearm by a Person Prohibited (“PFBPP”)/Possession of Ammunition by a Person Prohibited (“PABPP”) (N19-02-0942-I)<sup>3</sup> and was sentenced as follows: 15 years at Level V with credit for 15 days, suspended after 5 years at Level V for 18 months at Level

---

<sup>1</sup> D.I. 9. His Motion is titled, “Motion for No-Contact with Markia Woodall and Omari Woodall.” *Id.* The Court reviews this as a Motion for Modification of Partial Confinement or Probation.

<sup>2</sup> Super. Ct. Crim. R. 35(b).

<sup>3</sup> D.I. 3.

III.<sup>4</sup> The Court ordered Charles to have no contact with Markia Woodall and Omari Woodall except pursuant to a valid Family Court order.<sup>5</sup>

(2) On April 11, 2024, Charles filed the instant Motion asking the Court to lift the no-contact order with his fiancée, Markia Woodall and his son, Omari Woodall.<sup>6</sup>

(3) Rule 35(b) governs motions for modification or reduction of sentence.<sup>7</sup> “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.”<sup>8</sup>

(4) The Court’s authority to grant relief under Rule 35(b) is discretionary.<sup>9</sup> 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.”<sup>10</sup>

(5) In support of his Motion, Charles states he and Woodall are trying to get married and the no-contact order hinders him from being a father to his son.<sup>11</sup>

---

<sup>4</sup> D.I. 5.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Super. Ct. Crim. R. 35(b).

<sup>8</sup> *State v. Baily*, 2017 WL 8787504, at \*1 (Del. Super. Oct. 3, 2017); *State v. Redden*, 111 A.3d 602, 609 (Del. Super. 2015).

<sup>9</sup> *Id.*

<sup>10</sup> *State v. Redden*, 111 A.3d 602, 609 (2015).

<sup>11</sup> D.I. 9.

He avers that the charges have nothing to do with Woodall and her son and that he is trying to be involved in his child's life.<sup>12</sup>

(6) The Sentencing Order expressly states: "No contact with Markia Woodall and Omari Woodall, except pursuant to a valid Family Court order."<sup>13</sup> Unless Charles is permitted to have contact with Markia Woodall and Omari Woodall pursuant to a valid Family Court order, the Court will not modify this no-contact order.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Andrew Charles' Modification of Partial Confinement or Probation is **DENIED**.

**IT IS SO ORDERED.**

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

cc: Original to Prothonotary  
Marc C. Petrucci, DAG  
Andrew Charles (SBI # 634319)

---

<sup>12</sup> *Id.*

<sup>13</sup> D.I. 5.