

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	
)	
)	
v.)	
)	
)	I.D. NO.: 0808010637A/B
DERRIS LLOYD)	
)	
Defendant.)	
)	

ORDER

On this 30th day of September, 2024, upon consideration of Defendant Derris Lloyd’s (“Defendant”) *pro se* Motion for Sentence Modification (the “Motion”), the sentence imposed upon the Defendant, and the record in this case, it appears to the Court that:

1. On October 6, 2022, Defendant was sentenced for violating the terms of his probation to three years level at Level V, followed by six months at Level IV Department of Correction discretion, followed by two years at Level III GPS monitoring.¹

¹ D.I. 55 (Sentence Order).

2. On June 22, 2024, Defendant filed this Motion pursuant to Delaware Superior Court Criminal Rule 35(b) (“Rule 35(b”).² In the Motion, Defendant asks the Court to modify the Level IV portion of his sentence to Level III GPS monitoring to run concurrently with his existing two years of Level III GPS monitoring.³

3. When considering a motion made pursuant to Rule 35(b), the Court will first address any procedural bars.⁴ Defendant’s motion made pursuant to Rule 35(b) is not subject to the 90-day bar imposed by Rule 35(b).⁵ However, Rule 35(b) mandates that the Court will not consider repetitive requests for sentence reduction.⁶ A Rule 35(b) motion is considered repetitive even if the later motion raises new arguments.⁷

4. This is Defendant’s second Rule 35(b) motion in this case.⁸ On January 11, 2023, Defendant filed a previous motion to modify his sentence.⁹ The Court

² D.I. 58. (the Motion).

³ *Id.*

⁴ *State v. Redden*, 111 A.3d 602, 606 (Del. Super. 2015).

⁵ *Benge v. State*, 101 A.3d 973, 976 (Del. 2014); Super. Crim. Ct. R. 35(b) (“The court may. . . reduce the fine or term of condition of partial confinement or probation at any time.”).

⁶ Super. Ct. Crim. R. 35(b).

⁷ *State v. Culp*, 152 A.3d 141, 144 (Del. 2016).

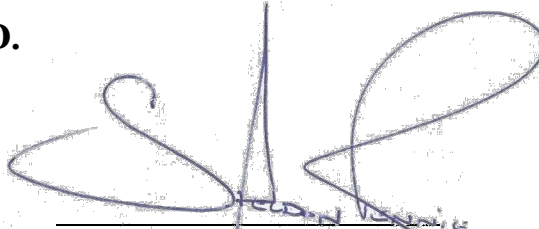
⁸ D.I. 56 (Def’s first Rule 35(b) motion).

⁹ *Id.*

denied that motion on April 14, 2023.¹⁰ Thus, under Rule 35(b), Defendant's motion is repetitive and cannot be considered by the Court.

5. Accordingly, Defendant's Motion is **DENIED**.

IT IS SO ORDERED.



Sheldon K. Rennie, Judge

Original to Prothonotary

cc: Derris Lloyd (SBI# 00292256)

¹⁰ D.I. 57 (Order denying Def's first Rule 35(b) motion).