

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

**STATE OF DELAWARE,**

v.

**ERICKSON URIBE ACUAPA**

Defendant.

)  
)  
)  
)  
)  
)  
)  
)

**I.D.: 2406008689**

**Submitted:** July 1, 2025

**Decided:** July 24, 2025

**ORDER**

*On Defendant's Motion for Modification/Reduction of Sentence*

**DENIED**

This 24<sup>th</sup> day of July, 2025, upon consideration of the instant Motion for Correction of an Illegal Sentence, under Superior Court Criminal Rule 35(b)<sup>1</sup> brought by Defendant Erickson Uribe Acuapa ("Uribe Acuapa"), it appears to the Court that:

1. On April 15, 2025, Uribe Acuapa pled guilty to Assault First Degree and Reckless Endangering First Degree.<sup>2</sup> He was subsequently sentenced on May 5, 2025 to ten (10) years at Level V, suspended after two (2) years for eighteen (18) months at Level III for Assault First Degree and to five (5) years at Level

---

<sup>1</sup> Docket Item ("D.I.") 20.

<sup>2</sup> D.I. 16.

V suspended for eighteen (18) months at Level III for Reckless Endangering First Degree.<sup>3</sup>

2. In the instant Motion, Uribe Acuapa moves this Court for a review of his sentence under Rule 35(b) which allows the Court to “reduce a sentence of imprisonment on a motion made within 90 days after the sentence is imposed.”<sup>4</sup> The Court will not consider repetitive requests for sentence reductions.<sup>5</sup> The Court has “broad discretion” to determine whether a reduction of sentence is appropriate.<sup>6</sup>
3. The instant Motion is Uribe Acuapa’s first request for a sentence reduction and was timely filed.<sup>7</sup> He asks the Court to reduce his Assault First Degree sentence to one (1) year at Level V, followed by two (2) years at Level III.<sup>8</sup> The Motion notes several factors as the basis for the sentence reduction sought, including this being his first offense, his good behavior since incarceration, and his established employment plans when he completes incarceration.<sup>9</sup>

---

<sup>3</sup> D.I. 19.

<sup>4</sup> Del. Super. Ct. Crim. R. 35(b).

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

<sup>6</sup> *Hewlett v. State*, 2014 WL 5020251, at \*1 (Del. 2014).

<sup>7</sup> Uribe Acuapa’s sentence was imposed on May 5, 2025, and his Motion was filed on July 1, 2025. *See* D.I. 19 and 20.

<sup>8</sup> D.I. 20 ¶ 3.

<sup>9</sup> *Id.* ¶¶ 4-7.

4. Assault First Degree has a minimum mandatory time of two (2) years.<sup>10</sup>

Therefore, when imposing Uribe Acuapa's sentence, the Court was following the statutorily enforced requirement. The Court has no authority to reduce a sentence below a minimum-mandatory period. Additionally, Uribe Acuapa signed his Plea Agreement forms which indicate that his Assault First Degree charge comes with a minimum-mandatory sentence of two years. By signing these forms, Uribe Acuapa represented to the Court that he understood the minimum-mandatory sentence requirement.

5. For the above reason, the Court **DENIES** this Motion.

**IT IS SO ORDERED.**

/s/ Francis J. Jones, Jr.

Francis J. Jones, Jr., Judge

cc: *Original to the Prothonotary*  
Brett Fallon, Deputy Attorney General  
Erickson Uribe Acuapa, JTVCC, SBI No. 01041795

---

<sup>10</sup> See 11 Del. Code §§ 613, 4205(2).