

## **Amendments to Delaware Superior Court Criminal Rule 35 Related to Sentence Modification**

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The Delaware Superior Court has amended Criminal Rule 35 to effect two changes.

First, Criminal Rule 35(c) has been amended to expand the period of time for correction of arithmetic, technical, or clear errors from 7 days after sentencing to 14 days after sentencing. This change is consistent with that made to the analogue federal rule. Both the state and federal rules will now have the same extended period needed to account for the ever-increasing complexity of the sentencing process.

Second, this amendment adds a new subsection (d) to Rule 35, which specifies that upon modification of one portion of a sentence, the Court may modify other portions of that same sentence. This change provides the Court with appropriate discretion to ensure that the overall modified sentence conforms with the intent of the Court's original sentencing plan.

Superior Court Criminal Rule 35 is on the [Rules of the Delaware State Courts website](#).