

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
 v.) I.D. No. 1211023687
)
 MARION P. HUNTER,)
 Defendant.)

Dates Submitted: March 26, 2024

Date Decided: April 3, 2024

**ORDER SUMMARILY DENYING MARION P. HUNTER’S
MOTION FOR MODIFICATION OF SENTENCE**

This 3rd day of April, 2024, upon consideration of the Motion for Modification of Sentence filed by Marion P. Hunter (“Defendant”);¹ Rule 35 of the Superior Court Rules of Criminal Procedure; the facts, arguments and legal authorities set forth in Defendant’s submission; the response in opposition by Probation and Parole;² statutory and decisional law; and the entire record in this case:

1. Pursuant to Criminal Rule 35(b), Defendant’s Rule 35 motions are time-barred; there are no extraordinary circumstances presented; they are repetitive; good cause has not been demonstrated; and the Court has serious concerns that Defendant’s release constitutes a substantial risk to the community. Moreover, the Court imposed a legal sentence within the range of sentence allowed

¹ *State v. Marion P. Hunter*, Crim. Act. No. 1211023687 D.I. 99.

² D.I. 100.

by statutory mandate.

2. The sentence is appropriate for all the reasons stated at the time of sentencing. No additional information has been provided to the Court that would warrant a reduction or modification of this sentence. The sentence was also imposed pursuant to a plea agreement between the State and the Defendant, and prior to accepting the plea, the Hunter acknowledged the range of penalties he faced and that the Court held the ultimate discretion as to his sentence.

3. As stated by the Court in its May 24, 2017, denial of another of Hunter's Motions for modification of sentence:

Defendant has filed multiple repetitive motions for various forms of relief. It is not in the interest of justice to review the same issues *ad infinitum*. Concerns for allocation of scarce judicial resources demands that the Court exercise its discretion to refuse consideration of additional motions unless new issues are raised for the Court's consideration.³

4. Hunter's instant motion flies in the face of this admonition.

5. Moreover, according to the response in opposition of Probation and confirmed by court records, despite the arguments made by Hunter in his motion that he should be discharged from Probation in advance of his Maximum Expiration Date, Hunter is pending new sexual assault charges of similar nature to the charges in which he pled guilty to in the instant case.⁴

³ D.I. 86.

⁴ D.I. 100.

NOW, THEREFORE, this 3rd day of April, 2023, IT IS HEREBY ORDERED:

1. Defendant's Motions for Sentence Modification is DENIED; and
2. The Office of the Prothonotary SHALL NOT accept for filing or docketing of any requests or relief by Defendant unless a Superior Court judicial officer first gives permission to Defendant for the filing.



The Honorable Danielle J. Brennan

Original to Prothonotary:

cc: Marion P. Hunter (SBI# 00169440)
Investigative Services