

**STATE OF DELAWARE**

**V.**

**GERALD A. CROOKS,**

**Defendant.**

**I.D. No. 2306009042**

## ORDER

Upon consideration of the Motion for Reduction/Modification of Sentence (hereinafter “Motion”) filed by Defendant, Gerald A. Crooks (hereinafter “Crooks”), Superior Court Criminal Rule of Procedure 35, the facts, arguments and legal authorities set forth in the Motion, statutory and decisional law, and the entire record in this case, it appears to the Court that:

1. Crooks pled guilty on April 21, 2025, the day his case was set for trial, to one (1) count of Possession of a Firearm by a Person Prohibited, one (1) count of Possession of Ammunition by a Person Prohibited, one (1) count of Tier 1 Possession

of Marijuana, one (1) count of Reckless Endangering Second Degree, and one (1) count of Resisting Arrest.<sup>1</sup>

2. The plea agreement to which Crooks accepted mutually requested a Pre-Sentence Investigation (hereinafter “PSI”) be Ordered prior to sentencing. The plea agreement contained a provision that, at sentencing, Crooks may request the ten (10) year minimum mandatory Level V sentence required, and that the State would request no more than seventeen (17) years of unsuspended Level V time.<sup>2</sup>

3. In accordance with the parties’ request, a PSI was Ordered and sentencing occurred following completion of that report. On June 13, 2025, Crooks was sentenced to a total of twelve (12) years of unsuspended Level V incarceration, one year of which was imposed pursuant to 11 *Del. C.* § 4204(k). Specifically, for his Possession of a Firearm by a Person Prohibited conviction, Crooks was sentenced to fifteen (15) years of Level V, suspended after serving the minimum mandatory ten (10) years of incarceration, followed by decreasing levels of probation. For his Possession of Ammunition by a Person Prohibited conviction, Crooks was sentenced to eight (8) years of Level V, suspended immediately for concurrent Level III probation. For his Tier 1 Possession of Marijuana conviction, Crooks was sentenced to two (2) years of Level V, suspended after serving one (1) year for concurrent Level

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<sup>1</sup> *State of Delaware v. Gerald Crooks*, Crim. I.D. No. 2306009042, Docket Item (hereinafter “D.I.”) 32.

<sup>2</sup> *Id.*

III probation. For his Reckless Endangering Second Degree conviction, the factual basis of which involved Crooks having dragged a law enforcement officer at Crooks' vehicle door upon having been pulled over, Crooks was sentenced to one (1) year at Level V to be served pursuant to 11 *Del. C.* § 4204(k), with no probation to follow. Finally, for his Resisting Arrest conviction, Crooks was sentenced to one (1) year of Level V, suspended for concurrent Level III probation.<sup>3</sup>

4. Crooks now moves for modification/reduction of his sentence, having filed the instant motion on July 21, 2025.<sup>4</sup> In his motion, he asks the Court to reduce his sentence to the minimum mandatory ten (10) years of incarceration. In support, Crooks argues that despite his many previous incarcerations, he was not offered any rehabilitation treatment programs. Crooks additionally argues that his expression of remorse, acceptance of responsibility, desire to be a responsible citizen and the support of his family both during incarceration and upon release demonstrate grounds for a sentence reduction.<sup>5</sup>

5. Pursuant to Criminal Rule 35(b), the Court may reduce a sentence of imprisonment on a motion made within 90 days after the imposition of a sentence.<sup>6</sup> The intent of Rule 35(b) has historically been to provide a reasonable period for the

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<sup>3</sup> D.I. 36.

<sup>4</sup> D.I. 37.

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

<sup>6</sup> Super. Ct. Crim. R. 35(b).

Court to consider alteration of its sentencing judgments.<sup>7</sup> Where a motion for reduction of sentence is filed within 90 days of sentencing, the Court has broad discretion to decide if it should alter its judgment.<sup>8</sup>

6. While timely, Crooks' motion lacks merit. Notably, his imposed sentence was made in accord with a plea agreement. At the time Crooks pled guilty, pursuant to Superior Court Criminal Rule 11, the Court engaged in a thorough colloquy in which it addressed Crooks personally in open court and determined that he understood both the nature of the charges to which he was pleading guilty, as well as the possible penalties he faced upon such convictions of guilt. The ten (10) year minimum mandatory was examined, as well as the maximum possible penalties Crooks faced. Before the Court accepted his plea, Crooks examined and acknowledged the fact that the State would be seeking seventeen (17) years at the time of sentencing. Accordingly, Crooks acknowledged that the range of possible penalties he faced included the very sentence that he ultimately received.<sup>9</sup>

7. In considering the appropriate sentence to impose, the Court considered the PSI report, the State's sentencing submission, arguments of both Crooks' counsel and the State, Crooks' criminal and family history, and the statutory range of

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<sup>7</sup> *Johnson v. State*, 234 A.2d 447, 448 (Del. 1967).

<sup>8</sup> *State v. Redden*, 111 A.3d 602, 606-07 (Del. Super. Apr. 17, 2015) ("The reason for such a rule is to give a sentencing judge a second chance to consider whether the initial sentence is appropriate.").

<sup>9</sup> D.I. 32.

penalties and sentencing guidelines provided by SENTAC. The following SENTAC Aggravators were found at sentencing: Repetitive Criminal Conduct, Custody Status at the Time of the Offense, Lack of Amenability to Lesser Sanctions, and the mandatory statutory aggravation. The SENTAC mitigator of Acceptance of Responsibility was also found.<sup>10</sup>

8. Crooks sentence remains appropriate for all the reasons stated on the record at the time of sentencing. Crooks's claim that he was never offered rehabilitative programs in his previous incarcerations is not only an invalid basis for sentence modification,<sup>11</sup> but is factually inaccurate. In Crooks' previous convictions, one of which was for Driving Under the Influence of Alcohol in criminal action number 1908018326, Crooks was ordered to complete both a drug and alcohol abstinence and treatment program, as well as special programs of instruction pursuant to 21 *Del. C.* 4177(d).<sup>12</sup> Whether or not Crooks complied with the Court Order is irrelevant, as he was, in fact, not only given the opportunity for rehabilitation, but was Court Ordered to so complete such a program.

9. Further, Crooks' criminal history includes convictions for drug dealing, numerous violations of probation, all of which support the SENTAC Aggravator of Lack of Amenability to Lesser Sanctions.

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<sup>10</sup> D.I. 37.

<sup>11</sup> *Hewett v. State*, 2014 WL 5020251, at \*1 (Del. Oct. 7, 2014).

<sup>12</sup> *State v. Gerald Crooks*, Crim. Act. No. 1908019326, D.I. 26.

10. While Crooks' aspiration of participating in rehabilitative programs available at Level V are commendable, it does not serve as a sufficient basis to modify the carefully thought out and crafted sentence he received. No information has been presented to the Court to justify a sentence reduction. The sentence imposed was well within the statutory guidelines and is reasonable and just under the circumstances presented.

11. Accordingly, the Motion for Sentence Modification/Reduction is **DENIED.**

**IT IS SO ORDERED.**



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Danielle J. Brennan, Judge

cc: Gerald Crooks, SBI# 00366015  
Beth D. Savitz, Esquire, Deputy Attorney General  
Investigative Services