IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	I.D. No. 1905015281
v.	)	2201011263
	)	
JOHN F. MCCASLINE JR.,	)	
	)	
Defendant.	)	

Date submitted: October 6, 2025
Date decided: January 2, 2026

ORDER DENYING MOTION FOR SENTENCE MODIFICATION

Having considered John F. McCasline's ("McCasline") Motion for Sentence Modification (the "Second Motion"), for the reasons below, the Second Motion is **DENIED**.

Background

1. On November 1, 2022, McCasline pled guilty to Drug Dealing Tier 2 and Disregarding Police Signal.[1] McCasline was sentenced on March 7, 2023, as follows: (1) Drug Dealing Tier 2 plus aggravating factor—25 years at Level V, suspended after 6 years for 12 months at Level III GPS monitoring; and (2) Disregarding Police Signal—2 years at Level V, suspended after 6 months for 12 months at Level III.

[1] D.I. 49; D.I. 9.

2. On June 5, 2023, McCasline filed a motion for sentence modification (the "First Motion"), seeking to reduce his sentence on the Drug Dealing conviction to 4 years upon successful completion of the Road to Recovery program. McCasline argued that his addiction caused his downfall, he was remorseful and was not the type of person intended to be convicted under Delaware drug statutes, and he intended to pursue treatment.[2]

3. On June 30, 2023, the Court denied the First Motion, finding that McCasline had not demonstrated cause for a modification of his sentence.[3]

The Second Motion

4. On October 6, 2025, McCasline filed the Second Motion, under Rule 35(a), 35(b), or alternatively Rule 61, which ever rule the court deems appropriate, seeking to modify his sentence to change his Drug Dealing conviction from a Class B felony to a Class C felony, with the resulting shorter sentence. Alternatively, he seeks to suspend 1 year of his Level V time for 1 year of Level IV work-release.

5. McCasline argues that he was improperly charged with a Class B felony because Delaware's Title 16 drug laws were changed effective December 15, 2019, after which the "aggravating factors" no longer applied to him. Therefore, he should have been charged with a Class C felony and received a shorter sentence.

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[2] D.I. 54; D.I. 12.
[3] D.I. 55; D.I. 13.

6. McCasline states that he has demonstrated a commitment to redeeming himself in his community and with his family. He specifically credits his successful rehabilitation to striving to be a positive role model and provider for his son.[4]

7. While incarcerated McCasline completed financial literacy classes, such as the Twelve for One program. He has learned how to adapt to change and studied interpersonal communication styles and methods. McCasline provided the Court documentation regarding his record of good behavior and continued employment through work programs. He has also provided the Court with recommendation letters that describe his character and commitment to societal reform.[5]

Standard of Review

8. Under Superior Court Criminal Rule 35(a), the Court "may correct an illegal sentence at any time."[6] Rule 35(a) relief is limited to instances:

> when the sentence imposed exceeds statutorily-authorized limits, [] violates the Double Jeopardy Clause, . . . is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to its substance, or is a sentence that the judgment of conviction did not authorize.[7]

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[4] D.I. 56; D.I. 14.
[5] D.I. 56; D.I. 14.
[6] Super. Ct. Crim. R. 35(a).
[7] *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998) (citations omitted). *See Ellerbe v. State*, 155 A.3d 1283 (TABLE), 2017 WL 462144, at *1 (Del. Feb. 2, 2017).

9. Superior Court Criminal Rule 35(b) provides that the Court "may reduce a sentence of imprisonment on a motion made within 90 days after the sentence is imposed." The Court will consider a Rule 35(b) motion after the 90-day period "only in extraordinary circumstances." Under Rule 35(b), the Court may consider reducing the term or conditions of partial confinement or probation at any time.

10. Rule 35(b) further provides that the Court "will not consider repetitive requests for reduction of sentence." The bar to considering repetitive requests for modification of a sentence is absolute.[8] This procedural bar applies even when the subsequent motion requests a reduction or modification of a term of partial confinement or probation.[9]

11. Rule 35(b) relief is subject to the Court's sound discretion.[10] While the Rule does not set forth specific criteria that must be satisfied to obtain relief, "common sense dictates that the Court may modify a sentence if present

[8] *State v. Burton*, 2020 WL 3057888, at *2 (Del. Super. June 5, 2020) (The bar to considering repetitive motions has no exceptions). *See also Jenkins v. State*, 954 A.2d 910 (TABLE), 2008 WL 2721536, at *1 (Del. July 14, 2008) (affirming the Superior Court's denial of defendant's Rule 35(b) motion for modification where Rule 35(b) "prohibits the filing of repetitive sentence reduction motions."); *Morrison v. State*, 846 A.2d 238 (TABLE), 2004 WL 716773, at *2 (Del. Mar. 24, 2004) (finding that defendant's Rule 35(b) motion for modification "was repetitive, which also precluded its consideration by the Superior Court.").
[9] *Burton*, 2020 WL 3057888, at *2.
[10] *State v. Bailey*, 2017 WL 8787504, at *1 (Del Super. Oct. 3, 2017); *Mapp v. State*, 314 A.3d 663 (TABLE), 2024 WL 707143 (Del. Feb. 20, 2024).

circumstances indicate that the previously imposed sentence is no longer appropriate."[11]

12. Finally, Rule 61 is the exclusive remedy for those "in custody under a sentence … seeking to set aside the judgment of conviction."[12] The Rule balances finality "against … the important role of the courts in preventing injustice."[13] Before addressing the merits of a defendant's motion for postconviction relief, however, the court must review the motion to determine whether any of Rule 61(i)'s procedural bars apply.[14] If a motion is procedurally barred, the Court will not consider the merits of the postconviction motion.[15]

13. A motion for postconviction relief will be barred if it is: (1) filed more than one year after the conviction becomes final;[16] or (2) if it asserts a newly recognized, retroactively applied, right more than one year after the right was first recognized.[17]

14. Grounds for relief "not asserted in the proceedings leading to the judgment of conviction" are barred as procedurally defaulted unless the movant can

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[11] *Bailey*, 2017 WL 8787504, at *1 (citing *State v. Johnson*, 2006 WL 3872849, at *3 (Del. Super. Dec. 7, 2006)).
[12] Super. Ct. Crim. R. 61(a)(1).
[13] *Zebroski v. State*, 12 A.3d 1115, 1120 (Del. 2010) (citation omitted).
[14] *Younger v. State,* 580 A.2d 552, 554 (Del. 1990).
[15] Id.
[16] "A judgment of conviction is final . . . [30 days after the Court imposes sentence] if the defendant does not file a direct appeal." Super. Ct. Crim. R. 61(i)(1).
[17] Id.

show "cause for relief" and "prejudice from [the] violation."[18] Grounds for relief formerly adjudicated are also procedurally barred.[19]

Analysis

15. McCasline's sentence is not illegal. In Count 2, he was indicted on (and pled guilty to) knowingly possessing, with the intent to deliver 10 grams or more of cocaine "and the offense occurred in a vehicle." When McCasline committed this crime in May 2019, 16 *Del. C.* § 4751A(1)(c) defined "aggravating factor" to include when the drug offense occurred in a vehicle. Section 4751A was subsequently amended, effective December 2019, to remove Subsection (1)(c), thus an offense occurring in a vehicle was no longer an aggravating factor.[20] Because the amendment occurred after McCasline's crime (which he acknowledges in his motion), he is not entitled to the benefit of the amended statute.[21] To the extent that McCasline seeks relief under Rule 35(a), the Second Motion is DENIED.

16. Turing to Rule 61, McCasline's conviction became final in April 2023. More than a year has passed, and therefore, any Rule 61 motion is procedurally

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[18] Super. Ct. Crim. R. 61(i)(3).
[19] Super. Ct. Crim. R. 61(i)(4).
[20] 150th Gen. Assemb., Ch. 217 S.B. 47, https://legis.delaware.gov/SessionLaws/Chapter?id=15078.
[21] *Dahms v. State*, 858 A.2d 960, 2004 WL 1874650, at *1 (Del. Aug. 17, 2004) (TABLE); *Anderson v. State*, 224 A.3d 575, 2020 WL 91817, at *2 (Del. Jan. 7, 2020) ("Anderson is subject to sentencing under the version of Section 3901(d) in effect at the time of his offenses…").

barred.[22] To the extent that McCasline seeks relief under Rule 61, the Second Motion is DENIED.

17. Lastly, this is McCasline's second motion under Rule 35(b). The procedural bar to repetitive motions is absolute.[23] Therefore, to the extent that the Second Motion seeks relief under Rule 35(b), it is DENIED.

18. The Court commends McCasline for the progress he is making while incarcerated. He reports that he continues to be engaged in programming, has been assessed as a low security risk, and he has employment waiting for him when he is released. The Court hopes McCasline continues on this positive path.

19. The Second Motion is **DENIED.**

IT IS SO ORDERED.

/s/Kathleen M. Miller
Kathleen M. Miller, Judge

[22] Super Ct. Crim R. 61(i)(1).
[23] *State v. Redden*, 111 A.3d 602, 608-09 (Del. Super. 2015) ("[T]he bar to repetitive motions has no exception. Instead, this bar is absolute and flatly prohibits repetitive requests for reduction of sentence.") (internal citations omitted); *Duffy v. State*, 1998 WL 985332, at *1 (Del. Nov. 12, 1998).