

SUPREME COURT OF THE STATE OF DELAWARE

Ramos v. State

No. 379, 2021 · No. No. 379, 2021 · Decided February 14, 2022

SUMMARY

The Delaware Supreme Court affirmed the Superior Court's denial of Clint S. Ramos's motion to correct an illegal sentence under Superior Court Criminal Rule 35(a). The Court held that the sentence imposed for Ramos's probation violations did not exceed the remaining Level V time authorized by 11 Del. C. § 4334(c). It also held that a sentence is not illegal merely because it exceeds the SENTAC sentencing guidelines.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Valihura, Justice; Seitz, Chief Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	February 14, 2022
DOCKET	No. 379, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of a motion for correction of an illegal sentence under Delaware Superior Court Criminal Rule 35(a); the State moved to affirm.
STANDARD OF REVIEW	Rule 35(a) provides a narrow basis for correcting an illegal sentence; the Supreme Court reviewed whether Ramos's sentence was illegal under the rule.
PRECEDENTIAL VALUE	published Delaware Supreme Court order
PARTIES	Clint S. Ramos v. State of Delaware

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QUESTIONS PRESENTED

1. Whether the Superior Court improperly treated Ramos's Rule 35(a) motion for correction of an illegal sentence as a Rule 35(b) motion for sentence modification.
2. Whether Ramos's violation-of-probation sentence was illegal because it exceeded the SENTAC guidelines and allegedly exceeded the permissible time remaining on his prior sentences.
3. Whether the Supreme Court could affirm on grounds different from those articulated by the Superior Court.

HOLDINGS

1. Even if the Superior Court mistakenly treated Ramos's motion as a Rule 35(b) sentence-modification motion, the Supreme Court could affirm on the independent ground that the motion lacked merit under Rule 35(a).
2. A Delaware trial court may impose, for a violation of probation, the balance of Level V time remaining on the original sentence or any lesser sentence; Ramos's sentence was not illegal because the record showed that it did not exceed the time remaining on his prior sentences.
3. A sentence is not illegal merely because it exceeds the SENTAC sentencing guidelines.
4. A Rule 35(a) motion is very narrow and reaches only sentences that exceed statutory limits, violate double jeopardy, are ambiguous as to the time or manner of service, are internally contradictory, omit a statutorily required term, are uncertain in substance, or are unauthorized by the judgment of conviction.

KEY QUOTATIONS

“A sentence is illegal if it exceeds statutory limits, violates double jeopardy, 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.”
(3)

“And a sentence is not illegal simply because it exceeds the SENTAC guidelines.” (3-4)

FACTUAL BACKGROUND

Ramos received suspended Level V sentences for two third-degree burglary convictions and later received a suspended Level V sentence for second-degree forgery. After repeated violations of probation, the Superior Court resentenced him in both cases, ultimately imposing additional Level V terms on April 26, 2021. Ramos contended that the resulting sentence exceeded the presumptive SENTAC guidelines and was otherwise illegal.

PROCEDURAL HISTORY

Ramos pleaded guilty to two counts of third-degree burglary in 2012 and later received multiple probation-violation resentencings. After pleading guilty to second-degree forgery in 2017, he also received probation-violation resentencings in that case. Following additional probation violations and resentencing on April 26, 2021, Ramos filed three sentence-modification or reduction motions, which were denied, followed by a Rule

35(a) motion that the Superior Court denied. The Delaware Supreme Court affirmed on alternative grounds, concluding that the motion lacked merit under Rule 35(a).

DISPOSITION

affirmed

CASES CITED

- Brittingham v. State, 705 A.2d 577, 578 (Del. 1998)
- Unitrin, Inc. v. American General Corp., 651 A.2d 1361, 1390 (Del. 1995)
- Walters v. State, 2013 WL 4540040, at *1 (Del. Aug. 23, 2013)
- Mayes v. State, 604 A.2d 839, 845 (Del. 1992)

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