

SUPERIOR COURT OF THE STATE OF DELAWARE

State v. Brown

State v. Brown · No. 2304010070 · Decided March 12, 2026

SUMMARY

The Delaware Superior Court denied Jaiayre Brown’s pro se motion under Superior Court Criminal Rule 35(b) to modify his Level IV sentence. The court held that the motion was procedurally barred as repetitive because Brown had previously sought sentence modification.

CASE DETAILS

COURT	Superior Court of the State of Delaware
WRITING FOR THE COURT	Sheldon K. Rennie
JURISDICTION	Superior Court of the State of Delaware
DECIDED	March 12, 2026
DOCKET	2304010070
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant filed a pro se motion under Superior Court of Delaware Criminal Rule 35(b) seeking modification of his sentence. The court denied the motion as repetitive.
STANDARD OF REVIEW	The court first considers the procedural bars applicable to a Rule 35(b) motion before reaching the merits.
PRECEDENTIAL VALUE	Published Delaware Superior Court order
PARTIES	State of Delaware v. Jaiayre Brown

TOPICS

- sentence modification
- sentencing
- criminal procedure

PRACTICE AREAS

- criminal procedure
- sentencing
- post-conviction relief

QUESTIONS PRESENTED

1. Whether Brown's Rule 35(b) motion for sentence modification was barred as repetitive because he had previously sought sentence modification.

HOLDINGS

1. A Rule 35(b) motion is repetitive and barred from consideration when the defendant has previously requested sentence reduction or modification, even if the later motion presents new arguments.

KEY QUOTATIONS

“As mandated by Rule 35(b), this Motion is repetitive, and it cannot be considered by the Court.” (at 2)

FACTUAL BACKGROUND

On August 29, 2023, Brown pleaded guilty to carrying a concealed deadly weapon, a Class D violent felony, and possession of ammunition by a person prohibited, a Class D nonviolent felony. The court imposed concurrent Level V sentences, suspended in part for Level IV and Level III supervision. Brown sought to modify his Level IV DOC Discretion sentence because a possible relocation could impair his access to local support, a prospective home-confinement host, and employment.

PROCEDURAL HISTORY

Brown pleaded guilty to carrying a concealed deadly weapon and possession of ammunition by a person prohibited. The Superior Court sentenced him on September 7, 2023. After a prior sentence-reduction motion was denied, Brown filed the present Rule 35(b) motion on December 1, 2025, which the court denied because it was repetitive.

DISPOSITION

dismissed

CASES CITED

- State v. Redden, 111 A.3d 602, 606 (Del. Super. 2015)
- State v. Culp, 152 A.3d 141, 144 (Del. 2016)

OPINION

PER CURIAM.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE STATE OF DELAWARE,)) v.)
ID No. 2304010070) JAIAYRE BROWN,)) Defendant.) ORDER On this 12th day of March,
2026, upon consideration of Jaiayre Brown’s (“Defendant”) pro se Motion to Modify Sentence
(the “Motion”) made pursuant to Superior Court Rule of Criminal Procedure (“Rule”) 35(b),¹ the
sentence imposed upon Defendant, and the record in this case, it appears to the Court that: 1.

On August 29, 2023, Defendant pleaded guilty to Carrying a Concealed Deadly Weapon
(“CCDW”) (a Class D Violent Felony) and Possession of Ammunition by a Person Prohibited
(“PABPP”) (a Class D Nonviolent Felony). 2. The Court sentenced Defendant on September 7,
2023. 2 3.

On December 1, 2025, Defendant filed the instant Motion, in which he requests that the Court modify his Level IV (DOC Discretion) sentence to Level III 1 Docket Item (hereinafter “D.I.”) 18 (hereinafter “Mot.”). 2 D.I. 14.

For PABPP, Defendant received eight years of Level V supervision, suspended after three years for six months of Level IV supervision (DOC Discretion), followed by one year and six months of Level III supervision. For CCDW, Defendant received eight years of Level V supervision, suspended after six months for eighteen months of Level III supervision (probation concurrent with the sentence for PABPP).

(GPS) or, alternatively, Level IV (Home Confinement), to be held at Level III (GPS). 3 Defendant explains that modification is merited because he might be moved downstate when the Plummer Center closes, which could deprive him of his local support network, a prospective host for Level IV (Home Confinement), and an employment opportunity.⁴ 4.

The Court considers motions for modification of sentence under Rule 35(b). Before addressing the merits of a motion, the Court first considers the applicable procedural bars.⁵ 5. Rule 35(b) mandates that the Court will not consider repetitive requests for sentence reduction. 6 A Rule 35(b) motion is considered repetitive even if the later motion raises new arguments.⁷ 6.

Defendant has previously requested modification of his sentence. 8 As mandated by Rule 35(b), this Motion is repetitive, and it cannot be considered by the Court. Hence, Defendant’s Motion is DENIED. IT IS SO ORDERED. Sheldon K. Rennie, Judge 3 Mot. p. 4. 4 Id. at p. 3. 5 State v. Redden, 111 A.3d 602, 606 (Del. Super. 2015). 6 Super. Ct. Crim. R. 35(b). 7 State v. Culp, 152 A.3d 141, 144 (Del.

2016). 8 See D.I. 15 (Motion for Sentence Reduction), D.I. 16 (Order Denying Motion for Sentence Reduction). 2