

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|---|----------------------------------|
| WILLIAM VENT, | § | |
| | § | No. 529, 2011 |
| Defendant Below, | § | |
| Appellant, | § | Court Below—Superior Court of |
| | § | the State of Delaware in and for |
| v. | § | Sussex County |
| | § | |
| STATE OF DELAWARE, | § | |
| | § | |
| Plaintiff Below, | § | Cr. ID No. 1005009964 |
| Appellee. | § | |

Submitted: November 21, 2011

Decided: January 26, 2012

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

O R D E R

This 26th day of January 2012, upon consideration of the appellant's opening brief and the appellee's motion to affirm, it appears to the Court that:

(1) The appellant, William Vent, filed this appeal from the Superior Court's September 16, 2011 denial of his motion for modification of sentence pursuant to Superior Court Criminal Rule 35(b) ("Rule 35(b)"). The appellee, State of Delaware, has moved to affirm the Superior Court's judgment on the ground that it is manifest on the face of the opening brief that the appeal is without merit. We agree and affirm.

(2) On appeal, Vent argues that the Superior Court’s denial of his sentence modification motion was an abuse of the court’s discretion. His claims are without merit. Under Rule 35(b), Vent’s sentence modification motion was both repetitive and untimely.¹ We further conclude that the Superior Court, upon investigation, reasonably discounted the “extraordinary circumstances” alleged by Vent.²

NOW, THEREFORE, IT IS ORDERED that the State’s motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ See Del. Super. Ct. Crim. R. 35(b) (providing that a motion must be filed within ninety days of sentencing and that the court will not consider repetitive requests). Vent was sentenced on December 3, 2010 and has filed several requests for a sentence modification, which were all denied.

² *Id.* (providing that the court will consider a motion filed more than ninety days after sentencing only in extraordinary circumstances). See also Del. Code Ann. tit. 11, § 4217 (2007 & Supp. 2010) (establishing a procedure to permit the Department of Correction to apply for a modification of an offender’s sentence for good cause shown, including “serious medical illness”).