

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE	)	
	)	
	)	
v.	)	ID#: 9801007022
	)	
REGINALD D. JACKSON,	)	
Defendant.	)	

**ORDER**

**Upon Defendant’s Motion for Correction of Illegal Sentence Filed  
Under Superior Court Criminal Rule 35 – *DISMISSED*.**

1. Since a jury convicted him in 1999 of attempted murder and other major felonies, Defendant has unsuccessfully filed a direct appeal, three motions for postconviction relief, several motions for sentence reduction, and at least two motions for correction of sentence.<sup>1</sup> This is yet another motion for correction of sentence.

2. This time, in his words:

[D]efendant’s Six Amendment right was violated when the Delaware Superior Court sentenced him to an enhanced sentence. All sentencing factors essential to sentencing

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<sup>1</sup> *Jackson v. State*, 760 A.2d 163 (Del. 2000); *Jackson v. State*, 781 A.2d 694 (Del. 2001); *State v. Jackson*, 2001 WL 880154 (Del. Super. 2001); *State v. Jackson*, 2002 WL 31268279 (Del. Super. 2002) aff’d, 825 A.2d 238 (Del. 2003); *Jackson v. State*, 950 A.2d 659 (Del. 2008); *State v. Jackson*, 2013 WL 2706813 (Del. Super. 2013) reconsideration denied, 2013 WL 3356789 (Del. Super. 2013) and aff’d, 72 A.3d 501 (Del. 2013).

must be submitted to a Jury and proven beyond a reasonable doubt.

Simply put, in other words, Defendant does not challenge the sentence itself, he attacks the way the court imposed it.<sup>2</sup>

3. Defendant's argument that the court took things into account at sentencing that it should not have and, thereby, improperly increased the sentence is a matter for consideration under Superior Court Criminal Rule 61.

4. If Defendant files a fourth motion for postconviction relief re-raising the "enhancement" claim, he will be required by Rule 61 to explain whether he has raised that claim in the past and if not, why he did not raise it on direct appeal or, at least, in his first, three motions for postconviction relief.

Meanwhile, because Defendant's latest motion, on its face, does not invoke Rule 35, it is **DISMISSED**.

**IT IS SO ORDERED.**

Date: July 15, 2014

/s/ Fred S. Silverman

Judge

oc: Prothonotary (Criminal Division)  
pc: Jason W. Staib, Deputy Attorney General  
Reginald D. Jackson, Defendant

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<sup>2</sup> *Lake v. State*, No. 571, 2013, \*3 (Del. July 9, 2014).