

## IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
v.	)	I.D. No. 2010006043A
	)	
BRYAN L. EDWARDS,	)	
	)	
Defendant.	)	

### **ORDER LIFTING THE STAY AND DENYING RULE 35(A) MOTION**

Having considered Bryan L. Edwards’ (“Edwards”) Motion for Correction of Illegal Sentence under Superior Court Criminal Rule 35(a)<sup>1</sup> (the “Motion”), for the reasons that follow, the Motion is ***DENIED***.

#### ***Introduction***

1. After the United States Supreme Court’s decision in *Erlinger v. United States*<sup>2</sup> in June 2024, many Delaware defendants serving a prison sentence filed a motion under Superior Court Criminal Rule 35(a) arguing that his sentence was illegal. Due to the significant number of motions seeking relief under *Erlinger*, the court coordinated with counsel to establish a consolidated briefing schedule for a

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<sup>1</sup> D.I. 37.

<sup>2</sup> 602 U.S. 821 (2024).

subset of the cases (*i.e.*, the Bellwether Cases).<sup>3</sup> Many of the remaining motions, including this one, were stayed pending a ruling in the Bellwether Cases.

2. Upon further review of Edwards' Motion, the Court has determined that there is no need to wait for a ruling in the Bellwether Cases to address the Motion. Accordingly, the stay is hereby **LIFTED**.

### ***Procedural and Factual Background***

3. On November 2, 2022, Edwards was indicted on charges of First Degree Murder, Possession of a Firearm During the Commission of a Felony, and Possession of a Firearm by a Person Prohibited.

4. On September 7, 2022, Edwards pleaded guilty to Murder Second and Possession of a Deadly Weapon During the Commission of a Felony ("PDWDCF").<sup>4</sup> The Truth-In-Sentencing ("TIS") form reflected that Edwards faced a prison term of 17 years (minimum mandatory) to Life plus 25 years. In the Plea Agreement, the State agreed to cap its sentencing recommendation at 25 years at Level V.

5. Edwards signed the TIS form acknowledging that he understood the possible sentence. At the plea hearing, the court conducted a colloquy. Edwards affirmed that he was facing a sentence of 15 years (minimum mandatory) to Life on

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<sup>3</sup> See D.I. 38.

<sup>4</sup> D.I. 34.

the Murder Second charge and 2 years (minimum mandatory) to 25 years on the PDWDCF charge.

6. Edwards was sentenced on December 9, 2022, as follows: Murder Second – 22 years at Level V, followed by decreasing levels of supervision, and PDWDCF – 2 years at Level V, followed by Level III supervision.

### ***The Motion***

7. In the Motion, Edwards argues that under *Erlinger v. United States*,<sup>5</sup> *Wooden v. United States*,<sup>6</sup> *Apprendi v. New Jersey*,<sup>7</sup> and *Blakely v. Washington*,<sup>8</sup> his Fifth and Sixth Amendment rights were violated because “only a jury may find facts that increase ‘prescribed’ range of penalties to which a Defendant is exposed...” and he had no such jury finding. In agreeing to accept the State’s plea offer, Edwards argues that he did not know he was waiving his right “to have [a] jury review [the] factual premises that increase[d his] sentence beyond prescribed maximums or minimums...” and his counsel did not advise him of this right. Had he known of his right, he would have opted “to have [a] jury empaneled to recommend the punishment prescribed.” Therefore, his plea was not given freely. Edwards further argues that the State knew of his prior criminal history, but the indictment did not

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<sup>5</sup> 602 U.S. 821 (2024).

<sup>6</sup> 595 U.S. 360 (2002).

<sup>7</sup> 530 U.S. 466 (2000).

<sup>8</sup> 542 U.S. 296 (2004).

disclose the aggravators and mitigators that could impact his sentencing. Edwards requests that he be resentenced upon proper findings made by a jury.

### ***Standard of Review***

8. Under Superior Court Criminal Rule 35(a), the Court “may correct an illegal sentence at any time.”<sup>9</sup> 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.<sup>10</sup>

### ***Analysis***

9. Murder Second is a Class A Violent Felony, which carries a statutory penalty of 15 years to Life at Level V.<sup>11</sup> Under the Delaware Sentencing Accountability Commission (“SENTAC”) guidelines, the presumptive sentence is 15 years at Level V. PDWDCF is a Class B Violent Felony, with a statutory penalty of 2-25 years at Level V.<sup>12</sup> Under SENTAC guidelines, the presumptive sentence is 2-5 years at Level V.

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<sup>9</sup> Super. Ct. Crim. R. 35(a).

<sup>10</sup> *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).

<sup>11</sup> 11 Del. C. § 4205(b)(1).

<sup>12</sup> *Id.*

10. The charges arose out of Edwards shooting the victim six times. After a Presentencing Investigative Report, the sentencing judge exercised her discretion, imposing a sentence of 22 years on the Murder Second charge. While above the minimum mandatory and SENTAC guidelines, it is not illegal.<sup>13</sup> A sentence of 22 years at Level V is within the statutory limits. The PDWDCF was within both statutory limits and SENTAC guidelines.

11. After the United States Supreme Court’s decision in *Erlinger*<sup>14</sup> in June 2024, Edwards, like many other defendants serving Level V sentences, filed the Motion under Superior Court Criminal Rule 35(a), arguing that his sentence was illegal because a jury did not make factual findings as to each charge before imposing enhanced sentencing.

12. *Erlinger* ruled that “‘any fact’ that ‘increase[s] the prescribed range of penalties to which a criminal defendant is exposed’ must be resolved by a unanimous jury beyond a reasonable doubt (or freely admitted in a guilty plea).”<sup>15</sup> Case law

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<sup>13</sup> *Wallace v. State*, 326 A.3d 708 (TABLE), 2024 WL 3874151, at \*5 (Del. Aug. 20, 2024) (“[A] sentence is not illegal simply because it exceeds the SENTAC guidelines.” (quoting *Smith v. State*, 287 A.3d 1159 (TABLE), 2022 WL 17087056, at \*2 (Del. Nov. 18, 2022)) (citing *Richmond v. State*, 279 A.3d 815 (TABLE), 2022 WL 2276282, at \*2 (Del. June 22, 2022)). See also *Siple v. State*, 701 A.2d 79, 82 (Del. 1997) (“The [SENTAC] standards are considered voluntary and nonbinding; thus, no party to a criminal case has any legal or constitutional right to appeal to any court a statutorily authorized sentence which does not conform to the sentencing standards.”).

<sup>14</sup> 602 U.S. 821 (2024).

<sup>15</sup> *Id.* at 835 (cleaned up); *Alleyne v. United States*, 570 U.S. 99, 111-13, (2013) (“‘[a] fact that increases’ a defendant’s exposure to punishment, whether by triggering a higher maximum *or* minimum sentence, must ‘be submitted to a jury’ and found unanimously and beyond a reasonable doubt.”); *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000) (“[o]ther than the fact of a prior

makes clear “that the ‘statutory maximum’ for *Apprendi* purposes is the maximum sentence a judge may impose *solely on the basis of the facts reflected in the jury verdict or admitted by the defendant.*”<sup>16</sup>

13. Edwards pled guilty, thereby admitting to the elements of Murder Second and PDWDCF. He consented to a waiver of his right to a jury trial and affirmed that he was subject to a sentence of 17 years to Life. Edwards was sentenced within the statutory limits. The sentencing judge did not determine any fact which increased Edwards’ minimum or maximum penalty. Thus, he was not subjected to enhanced sentencing. *Erlinger* and the other cases Edwards relies on have no application here.

14. Edwards’ sentence was not illegal. The Motion is ***DENIED***.

**IT IS SO ORDERED.**

July 11, 2025.

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

Original to Prothonotary

cc: Bryan L. Edwards (SBI# 00619087)  
Jenna R. Milecki, Esq.

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*conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.”).*

<sup>16</sup> *Blakely v. Washington*, 542 U.S. 296, 303 (2004) (emphasis in original).