

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VERNON CEPHAS,	§
	§ No. 197, 2025
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 1503005476 (K)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: July 3, 2025
Decided: September 23, 2025

Before **VALIHURA, TRAYNOR**, and **LEGROW**, Justices.

ORDER

After consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the Superior Court record, it appears to the Court that:

(1) Vernon Cephas appeals the Superior Court’s denial of his motion for the correction of an illegal sentence. The State of Delaware has moved to affirm the judgment below on the ground that it is manifest on the face of Cephas’s opening brief that his appeal is without merit. We agree and affirm.

(2) Following a four-day trial in September 2016, a Superior Court jury found Cephas guilty of three counts of second-degree rape of a child who had not yet reached her 12th birthday, one count of continuous sexual abuse, one count of sexual solicitation of a child, and four counts of unlawful sexual contact. Following

a presentence investigation, the Superior Court sentenced Cephas to 79 years in prison, including three 25-year minimum-mandatory sentence terms for Cephas's second-degree rape convictions under 11 *Del. C.* § 4205A,¹ followed by probation. We affirmed Cephas's convictions and sentence on direct appeal.²

(3) In February 2025, Cephas filed a motion for the correction of an illegal sentence under Superior Court Criminal Rule 35(a). The Superior Court denied the motion, and this appeal followed.

(4) We review the denial of a motion for the correction of an illegal sentence for abuse of discretion.³ To the extent a claim involves a question of law, we review the claim *de novo*.⁴ A sentence is illegal if it exceeds statutory 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.⁵

(5) In his opening brief on appeal, Cephas argues, as he did below, that Section 4205A is unconstitutional because it authorizes “a mandatory increase in the

¹ 11 *Del. C.* § 4205A (“Notwithstanding any provision of this chapter or any other laws to the contrary, a defendant convicted of ... § 722 [second-degree rape] ... of this title shall be sentenced to not less than 25 years up to life imprisonment to be served at Level V if: ... (2) [t]he victim of the instant offense is a child less than 14 years of age.”).

² *Cephas v. State*, 2017 WL 3048466 (Del. July 18, 2017).

³ *Fountain v. State*, 2014 WL 4102069, at *1 (Del. Aug. 19, 2014).

⁴ *Id.*

⁵ *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).

minimum mandatory and maximum penalty otherwise legally prescribed under Section 772 [of Title 11] without notice to the defendant,”⁶ and that his three 25-year sentence terms for second-degree rape are illegal because Section 4205A required the trial judge—not the jury—to make an additional finding during the sentencing proceedings. Cephas’s arguments are unavailing.

(6) In 1989, the Court considered the constitutionality of a similar statute—then-extant 11 *Del. C.* § 4209A, which mandated that a person convicted of first-degree rape receive an enhanced minimum prison sentence of 20 years. The Court observed that “penal statutes are strictly construed against the government... to insure that no individual is convicted unless a fair warning has been given to the public.”⁷ And the Court held, “[s]ince the enhanced sentencing provisions of § 4209A clearly applied to first degree rape at the time [the defendant] committed the crime, it cannot be said that the public was not on notice that the mandatory minimum twenty year sentence would be imposed upon conviction of rape in the first degree.”⁸ The same rationale applies here. From November 2014 through February 2015, when Cephas was alleged to have committed the charged offenses, Section 4205A clearly applied to the second-degree rape of a child less than 14 years of age. The public—and Cephas—was therefore on notice that the mandatory-

⁶ Opening Br. at 15.

⁷ *Wicks v. State*, 559 A.2d 1194, 1196 (Del. 1989) (citation modified).

⁸ *Id.* at 1196-97.

minimum 25-year sentence would be imposed upon a conviction of second-degree rape of a child less than 14 years of age.

(7) Cephas's second argument is simply incorrect: the judge was not required to make any additional findings to sentence Cephas for second-degree rape under Section 4205A. The jury's verdict, which required it to find beyond a reasonable doubt that Cephas's victim was a child of less than 12 years of age, necessarily found that Cephas's victim was a child of less than 14 years of age. In short, Cephas is serving legally enhanced sentence terms for his second-degree rape convictions.

NOW, THEREFORE, IT IS HEREBY ORDERED that the motion to affirm be GRANTED and the judgment of the Superior Court be AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice