

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

v.

CHAZ COLLAZO

Defendant.

I.D.: 1612007137

Submitted: September 19, 2025

Decided: September 24, 2025

ORDER

On Defendant's Motion for Correction of an Illegal Sentence

DENIED

This 24th day of September, 2025, upon consideration of the instant Motion for Correction of an Illegal Sentence, under Superior Court Criminal Rule 35(a)¹ brought by Defendant Chaz Collazo ("Collazo"), it appears to the Court that:

1. On June 21, 2018, Collazo pled guilty to Manslaughter and Possession of a Firearm During the Commission of a Felony ("PFDCF").² Under the Plea Agreement, the State and Collazo agreed to a recommendation of "a sentence incorporating 15 years non-suspended Level V."³ Collazo was subsequently sentenced on September 14, 2018, to twenty-five (25) years at Level V,

¹ Docket Item ("D.I.") 31.

² See D.I. 22, Plea Agreement.

³ *Id.*

suspended after ten (10) years for decreasing levels of probation as to the Manslaughter count and five (5) years at Level V with no probation for PFDCF.⁴ In accordance with the Plea Agreement, the Sentencing Judge ordered Collazo to fifteen (15) years of unsuspended Level V time in total.

2. In the instant Motion, Collazo moves this Court for a review of his sentence under Rule 35(a), which states “[t]he court may correct an illegal sentence at any time and may correct a sentence imposed in an illegal manner within the time provided herein for the reduction of sentence.”⁵ A sentence is illegal and should be afforded relief under Rule 35(a) if it “exceeds the 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 the substance of the sentence, or is a sentence which the judgment of conviction did not authorize.”⁶ Rule 35(a) further allows the Court to correct a sentence imposed in an illegal manner within 90 days of the imposition of the sentence.⁷
3. Defendant cites to *Bailey v. State*, 422 A.2d 956 (Del. 1980) and argues his sentence violates the Double Jeopardy clause because he was sentenced to

⁴ See D.I. 24, Sentence Order.

⁵ Del. Super. Ct. Crim. R. 35(a).

⁶ *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998) (quoting *United States v. Pavlico*, 961 F.2d 440, 443 (4th Cir. 1992); *United States v. Dougherty*, 106 F.3d 1514, 1515 (10th Cir. 1997)).

⁷ Del. Super. Ct. Crim. R. 35(a)-(b).

consecutive sentences for the offenses of Manslaughter and Possession of a Firearm during the Commission of a Felony. The Delaware Supreme Court consistently held that the consecutive sentences for the weapons charge and the underlying felony does not violate either the United States or Delaware's Double Jeopardy clause.⁸ *Bailey v. State* was enacted before the truth-in-sentencing legislative changes were made in the late 1990s. Those changes permit the imposition of consecutive sentences of this type involved in this case.⁹ To the extent *Bailey* stands for the proposition argued by Defendant, *Bailey* is no longer good law.

For the above reasons, Collazo's Motions are **DENIED**.

IT IS SO ORDERED.

/s/ Francis J. Jones, Jr.

Francis J. Jones, Jr., Judge

cc: *Original to the Prothonotary*
Andrew Vella, Deputy Attorney General
Chaz Collazo, JTVCC, SBI No. 00598049

⁸ *LeCompte v. State*, 516 A.2d 898, 901-02 (Del. 1986); *Johnson v. State*, 5 A.3d 617 (Del. 2010); *see also State v. Hamilton*, 2016 WL 807729, at *4 (Del. Super. 2016).

⁹ *See* 11 Del.C. §1447.