

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY PHILLIPS,	§
	§
Defendant Below,	§ No. 461, 2025
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1210013272 (N)
	§
Appellee.	§

Submitted: January 20, 2026

Decided: March 23, 2026

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

ORDER

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

(1) The appellant, Jeffrey Phillips, filed this appeal from a Superior Court order denying his motion for correction of illegal sentence. The State of Delaware has moved to affirm the Superior Court’s judgment on the grounds that it is manifest on the face of Phillips’ opening brief that the appeal is without merit. We agree and affirm.

(2) In 2014, a Superior Court jury found Phillips guilty of one count each of first-degree murder, manslaughter, first-degree conspiracy, first-degree reckless endangering, gang participation, second-degree assault, and disorderly conduct, as

well as four counts of possession of a firearm during the commission of a felony (“PFDCF”). The Superior Court sentenced Phillips to life imprisonment, plus an additional seventy-six years, which included ten years of Level V incarceration for each PFDCF conviction. We affirmed the Superior Court’s judgment on direct appeal.¹

(3) In January 2025, Phillips moved for correction of illegal sentence, arguing that his sentences were illegal under *Erlinger v. United States*.² The Superior Court denied the motion, and this Court affirmed.³

(4) In October 2025, Phillips again moved for correction of illegal sentence. The Superior Court denied the motion. This appeal followed.

(5) We review the denial of a motion for correction of illegal sentence for abuse of discretion.⁴ To the extent a claim involves a question of law, we review the claim *de novo*.⁵ 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

¹ *Phillips v. State*, 154 A.3d 1146 (Del. 2017).

² 602 U.S. 821 (2024).

³ *Phillips v. State*, 342 A.3d 323, 2025 WL 1693652 (Del. June 16, 2025) (TABLE).

⁴ *Fountain v. State*, 100 A.3d 1021, 2014 WL 4102069, at *1 (Del. Aug. 19, 2014) (TABLE).

⁵ *Id.*

statute, is uncertain as to its substance, or is a sentence that the judgment of conviction did not authorize.⁶

(6) In his opening brief, Phillips argues that his PFDCF convictions constituted one predicate offense and were not eligible for enhancement under 11 *Del. C.* § 1447A(c). These arguments are without merit. None of Phillips' PFDCF convictions served as predicate offenses under Section 1447A. Each PFDCF conviction related to a separate and distinct felony—first-degree murder of Herman Curry, manslaughter of Alexander Kamara, second-degree assault of Omar Brumfeld, and first-degree reckless endangering of bystanders present at the July 8, 2012 shootings. The imposition of a separate sentence for each PFDCF conviction did not violate principles of double jeopardy and was not illegal.⁷

(7) As to the ten-year sentence for each conviction, PFDCF was a class B felony with a sentencing range of three to twenty-five years of Level V incarceration at the time of Phillips' crimes.⁸ Section 1447A(c) provided that there was a five-year minimum sentence for a person who had at least two previous felony

⁶ *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).

⁷ *See, e.g., Cooper v. State*, 204 A.3d 114, 2019 WL 494139, at *2 (Del. Feb. 7, 2019) (rejecting claim that separate sentences imposed for assault, burglary, attempted robbery, and related PFDCF convictions arising out of one incident were illegal).

⁸ 11 *Del. C.* § 1447A(a), (b) (eff. to May 23, 2018) (defining PFDCF as a class B felony with a three-year minimum sentence); 11 *Del. C.* § 4205(b)(2) (providing for a two to twenty year sentencing range for class B felonies).

convictions,⁹ but Phillips did not have any previous felony convictions and the record does not show any enhancement of Phillips' PFDCF sentences under Section 1447A(c). Phillips' PFDCF sentences are legal.

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

BY THE COURT:

/s/ Abigail M. LeGrow
Justice

⁹ 11 Del. C. § 1447A(c).