

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
v.)	I.D. No. 2105000955
)	
STEVEN JACKSON,)	
)	
Defendant.)	
)	

ORDER

This 2nd day of June 2026, the Court enters the following Order:

1. The Defendant pled guilty to Reckless Endangering Second Degree and Possession of a Firearm by a Person Prohibited (“PFBPP”).¹ By agreement of the parties, he was sentenced to the minimum mandatory of ten years under the PFBPP statute, 11 *Del. C.* §1448(e)(1)(c).² He received a suspended sentence for the Reckless Endangering charge.³

2. After further research and consideration, the parties agreed that he did not qualify for the ten-year mandatory sentence under Section 1448(e)(1)(c),

¹ *State v. Jackson*, Superior Court Criminal Docket, ID No. 2105000955, Docket Item (hereinafter “D.I. _”) 10.

² *Id.*

³ *Id.*

although he did qualify for a five-year mandatory sentence under Section 1448(e)(1)(b). He was brought into Court for resentencing.

3. At resentencing, Defendant was subject to a minimum mandatory five years under Section 1448(e)(1)(b). Instead of imposing the minimum five years for possession alone, the Court imposed an additional two years in light of Defendant's discharge of the weapon for a total of seven years Level V time.⁴

4. All of this was subject to judicial review by the Delaware Supreme Court.⁵ In his appeal, Defendant argued that the additional two years violated double jeopardy since he had already pled to the Reckless Endangering charge. The Supreme Court was clear that there was no double-jeopardy issue, no *Erlinger*.⁶ issue, and it was well within the Superior Court's discretion to give Defendant two years beyond the minimum mandatory.⁷

5. In May 2026, the Defendant filed a second effort to overturn the sentence. This time he argues, among other things, that the State contravened the plea agreement by continuing to advocate for a ten-year sentence at his resentencing rather than recommending the new minimum mandatory.

⁴ D.I. 24.

⁵ *Jackson v. State*, 2025 WL 227682 (Del. Jan. 16, 2025).

⁶ *Erlinger v. United States*, 602 U.S. 821 (2024).

⁷ *Jackson*, 2025 WL 227682, at *2-3.

6. The State promised in the plea agreement to seek ten years at Level V and at no time did the State recommend anything different to the Court. The Defendant agreed to ten years minimum, received seven instead, and thus ultimately received a greater benefit than he bargained for in the plea agreement. Any other arguments relating to the nature of the proceedings are not properly raised in a Rule 35(a) motion.⁸

7. Defendant's true grievance is with the Court for increasing the sentence an additional two years for discharging the weapon. He received more than the minimum mandatory because the Court felt it appropriate considering the facts of his case, and doing so was within the sound discretion of the Court as already affirmed by the Supreme Court. Defendant's new motion for relief from an "illegal sentence" under Rule 35(a) is **DENIED**.

IT IS SO ORDERED.

/s/ Charles E. Butler
Charles E. Butler, Resident Judge

⁸ See *Timmons v. State*, 2003 WL 22214029, at *1 (Del. Sep. 23, 2003) (holding that since the defendant's claim was related to the proceedings leading up to his sentence, he was not entitled to relief under Rule 35(a) because "[r]elief under Rule 35(a) is available 'when the sentence imposed exceeds the statutorily-imposed limits, [or] violates the Double-Jeopardy Clause'") (quoting *Brittingham v. State*, 705 A.2d 577, 578 (Del.1998)).

cc: Prothonotary
Steven Jackson (SBI #00482720)
Beth D. Savitz, Deputy Attorney General