

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

CEDRIC FLETCHER,

Defendant.

)
)
)
)
)
)
)
)
)

I.D. No. 2109000343

This 27th day of July, 2026, the Court entered the following Order:

ORDER LIFTING STAY

1. The defendant filed a motion under Rule 35(a) for relief from an allegedly illegal sentence pursuant to the ruling of the United States Supreme Court in *Erlinger v United States* (602 U.S 821 (2024)). This was one of the many *Erlinger* claims from inmates at the Department of Corrections filed throughout the Superior Court. In order to allow for an orderly consideration of the *Erlinger* case, the Court stayed further action until the decisional law began to develop as to the judicial response to *Erlinger*. While further litigation may well yield refinements in the Court's treatment of *Erlinger* claims, many are ready for resolution, including this case, and the Court therefore enters this order lifting the stay in this case.

ORDER ON THE MERITS

1. On March 13, 2023, Defendant pled guilty to possession of a firearm by a person prohibited. The defendant was sentenced to 10 years at Level V followed by decreasing levels of probation. The 10 year Level V portion of the sentence was a minimum mandatory sentence as the defendant had been convicted of two prior violent felonies.
2. Defendant contends that his sentence violates the constitutional principles established in *Erlinger*.
3. In *Erlinger* the United States Supreme Court stated that virtually any fact that increases 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 the guilty plea. *Johnson v. State*, 2025 WL 397431 (Del. 2025). In the instant case the plea agreement, which was signed by the defendant, provided “Defendant faces 10 years minimum mandatory Level 5 time under 11 Del C 1448(e)(1)(c) as Defendant was convicted of Carrying a Concealed Deadly Weapon-Firearm (a Class D Violent Felony) on May 2, 2016; and Possession of a Firearm by a Person Prohibited (Class C Violent Felony) on April 12, 2017.” On this record the defendant freely admitted that he was facing a 10-year minimum mandatory Level V sentence because of two prior violent felony convictions.

4. On these facts *Erlinger* is not implicated. Defendant's Motion for Correction of Illegal Sentence must and hereby is Denied. Defendant's request for appointment of counsel is also denied.

IT IS SO ORDERED this 27th day of July, 2026.

/s/ Francis J. Jones
Francis J. Jones, Judge

cc: Original to Prothonotary
Cedric Fletcher (SBI #00806595)
Andrew Vella, Deputy Attorney General