

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

ANTONIO BALTAZAR,

Defendant.

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I.D. No. 1206009169
1204000588

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 - DENIED

1. On January 28, 2013, defendant pled guilty to 4 counts of Robbery First Degree and 1 count of Burglary Second Degree.
2. On one count of Robbery, defendant was sentenced to 10 years at Level 5. As to the second and third counts of Robbery, defendant was sentenced to 5 years at Level 5 for each charge. As to the final count of Robbery, defendant was sentenced to 4 years at Level 5. As to the Burglary 2nd charge, defendant was sentenced to 1 year at Level 5 to be followed by decreasing levels of probation.
3. In the instant Motion, Baltazar moved 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.”¹ 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.”² Rule 35(a)

¹ Del. Super. Ct. Crim. R. 35(a).

² *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)).

further allows the Court to correct a sentence imposed in an illegal manner within 90 days of the imposition of the sentence.³

4. Baltazar argues under *Erlinger* and its predecessors⁴ that the Sentencing Judge illegally enhanced his sentence based on unilateral factual determinations.
5. It is unnecessary for the Court to conclude whether the instant Motion is one for correction of an illegal sentence or a time-barred motion for an illegally imposed sentence. A retroactive application of *Erlinger* is also unwarranted for this analysis.
6. *Erlinger* hold “[a] fact that increases a defendant’s exposure to punishment, whether by triggering a higher maximum or minimum sentence, must be submitted to a jury and found unanimously and beyond a reasonable doubt.”⁵ All of the sentences imposed on defendant were within the statutory range of the crime to which the defendant was sentenced. The statutory range for Robbery First Degree was 5 to 25 years and as to Burglary Second Degree the range was 1 to 8 years. None of the sentences imposed were enhanced. The Sentencing Judge did not make a factual determination increasing Baltazar’s

³ Del. Super. Ct. Crim. R. 35(a).

⁴ *Erlinger v. United States*, 602 U.S. 821 (2024). Anderson also cites to *Alleyne v. United States*, 570 U.S. 99 (2013); *Blakely v. Washington*, 542 U.S. 296 (2004); *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

⁵ *State v. Roy*, 2025 WL 1411659, at *2 (Del. Super. May 14, 2025) (quoting *Erlinger*, 602 U.S. at 833).

minimum or maximum sentence. *Erlinger* is simply not applicable. As such, defendant's motion is without merit and should be dismissed.

IT IS SO ORDERED.

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

cc: Original to Prothonotary
Antonio Baltazar (SBI # 00570210)
Andrew Vella, Deputy Attorney General