IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERRY REED,	§	
	§	
Defendant Below,	§	No. 362, 2026
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	
STATE OF DELAWARE,	§	Cr. ID No. S1809015387
	§	
Appellee.	§	

Submitted: October 19, 2026
Decided: November 5, 2026

ORDER

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

After consideration of the appellant's opening brief, the State's motion to affirm, and the record on appeal, it appears to the Court that:

(1) Jerry Reed appeals from the Superior Court's order denying his motion for sentence correction. The State has filed a motion to affirm the Superior Court's judgment on the ground that it is manifest on the face of the opening brief that the appeal is without merit. We agree and affirm.

(2) Reed was indicted for crimes arising from the death of Isaac Hatton. Hatton was shot to death in the early morning hours of September 26, 2018, or very late the previous evening.[1] Reed pleaded guilty to manslaughter and pleaded no

[1] *Reed v. State*, 258 A.3d 807, 813 (Del. 2021).

contest to possession of a firearm during commission of a felony ("PFDCF"). After a presentence investigation, the Superior Court sentenced Reed as follows: for manslaughter, twenty-five years of imprisonment, suspended after fifteen years for decreasing levels of supervision; and for PFDCF, five years of imprisonment.

(3) In March 2025, Reed filed a motion for sentence correction under Superior Court Rule of Criminal Procedure 35(a). He claimed that his sentence is illegal because the minimum sentence to which he was exposed was enhanced based on facts not found by a jury, in violation of *Erlinger v. United States*.[2] The Superior Court denied the motion, and Reed has appealed to this Court.

(4) We review the denial of a motion for correction of an illegal sentence for abuse of discretion, although questions of law are reviewed *de novo*.[3] A sentence is illegal if it exceeds statutory limits, violates double jeopardy, 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 its substance, or is a sentence that the judgment of conviction did not authorize.[4]

(5) Reed has not demonstrated that his sentence is illegal. At the time of Reed's crimes, manslaughter and PFDCF were class B felonies, subject to a

[2] 602 U.S. 821 (2024).
[3] *Fountain v. State*, 2014 WL 4102069, at *1 (Del. Aug. 19, 2014).
[4] *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).

sentencing range of two to twenty-five years.[5] The minimum sentence for PFDCF increased to five years if the offender had "been at least twice previously convicted of a felony in this State or elsewhere."[6]

(6) In *Erlinger*, the United States Supreme Court considered a sentence imposed under the federal Armed Career Criminal Act and stated that "[v]irtually 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 a guilty plea."[7] The Court also left intact the "narrow exception"[8] set forth in *Almendarez-Torres v. United States*[9] "permitting judges to find only the fact of a prior conviction."[10] "Under that exception, a judge may do no more," when determining whether a prior conviction triggers an enhanced penalty, "than determine what crime, with what elements, the defendant was convicted of."[11]

(7) *Erlinger* does not apply to Reed's manslaughter sentence, because the range of penalties to which Reed was exposed for that crime was not enhanced. As

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[5] 11 *Del. C.* § 632 (effective June 30, 2003, to Sept. 16, 2021); *id.* § 1447A (effective May 24, 2018, to June 24, 2019); *id.* 4205(b)(2) (effective June 30, 2003, to present).
[6] *Id.* § 1447A(c) (effective May 24, 2018, to June 24, 2019).
[7] *Erlinger*, 602 U.S. at 834 (internal quotations and alterations omitted).
[8] *Id.* at 838 (internal quotation omitted).
[9] 523 U.S. 224 (1998).
[10] *Erlinger*, 602 U.S. at 838 (internal quotations omitted); *see also Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000) ("Other than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.").
[11] *Erlinger*, 602 U.S. at 838 (internal quotations omitted).

to PFDCF, Reed's plea agreement reflects that Reed pleaded no contest to "PFDCF (Class B Felony 5-25)," and the truth-in-sentencing guilty plea form stated that the applicable statutory penalty for Reed's PFDCF offense was five to twenty-five years.[12] Moreover, during the plea hearing, defense counsel stated that Reed understood the nature of the charges to which he was pleading and that he was subject to an increased minimum sentence of five years for PFDCF because of his criminal history.[13] During his colloquy, Reed confirmed that he understood.[14]

(8) Reed pleaded no contest to PFDCF as a class B felony subject to a minimum sentence of five years. He has not asserted any grounds on which he could have argued that he was not subject to the five-year minimum. More specifically, he has not articulated a factual basis on which he could argue that he had not "been at least twice previously convicted of a felony in this State or elsewhere."[15] Reed therefore has not established that his sentence is illegal under *Erlinger*.[16]

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[12] Appendix to Motion to Affirm at B017-18.

[13] *Id.* at B021.

[14] *Id.* at B023-27.

[15] 11 *Del. C.* § 1447A(c) (effective May 24, 2018, to June 24, 2019).

[16] *Cf. Morris v. State*, 2025 WL 2541982, at *2 (Del. Sept. 3, 2025) (affirming denial of *Erlinger*-based challenge to habitual-offender sentence and stating that appellant had not "asserted on appeal any grounds on which he could have contested his habitual-offender eligibility"); *Jackson v. State*, 2025 WL 227682, at *3 (Del. Jan. 16, 2025) (stating that appellant had not established that the Superior Court engaged in impermissible factfinding where appellant conceded that he had a prior conviction that subjected him to enhanced sentencing under 11 *Del. C.* § 1448(e)(1)(b)).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice