

IN THE SUPREME COURT OF THE STATE OF DELAWARE

OLIVER HENRY,	§
	§ No. 246, 2025
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 2301001270 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: October 1, 2025
Decided: November 14, 2025

Before **SEITZ**, Chief Justice; **VALIHURA** and **GRIFFITHS**, Justices.

ORDER

After careful consideration of the opening brief, the motion to affirm, and the record on appeal, the Court concludes that the judgment of the Superior Court should be affirmed on the basis of the Superior Court’s May 6, 2025 order denying the appellant’s motion under Superior Court Rule of Criminal Procedure 35(a). The Superior Court imposed a sentence within the statutory range for second-degree murder, and the sentence therefore is not illegal under *Apprendi v. New Jersey*¹ or *Blakely v. Washington*.²

¹ 530 U.S. 466 (2000).

² 542 U.S. 296 (2004). *See Shabazz v. State*, 2005 WL 1413234, at *1 (Del. June 14, 2005) (“In this case, Shabazz’s sentence fell within the statutory range of authorized sentences for second degree burglary. As we have held in similar cases, neither *Apprendi* nor *Blakely* impact this outcome given the voluntary and nonbinding nature of Delaware’s sentencing guidelines.” (citation omitted)).

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/ Collins J. Seitz, Jr.
Chief Justice