

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

THERION S. REESE,

Defendant.

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I.D. No. 1701016650B
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1702004090A

This 30th day of July, 2026, the Court enters 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 June 27, 2019, defendant pled guilty to Second-Degree Murder, Second-Degree Assault, Possession of a Firearm During the Commission of a Felony (hereinafter “PFDCF”), and Possession of a Firearm by a Person Prohibited (hereinafter “PFBPP”). The Court sentenced the defendant for Murder Second Degree to 35 years at Level V suspended after 15 years at Level V for decreasing levels of probation. As to the charge of Assault Second Degree, defendant was sentenced to 8 years at Level V suspended after 5 years at Level V to be followed by probation. On the PFDCF charge, the sentence was 5 years at Level V, with the first 3 years being mandatory. Finally, as to PFBPP, defendant was sentenced to 8 years at Level V suspended after 3 years to be followed by probation.
2. Defendant contends that his sentence violates the constitutional prohibitions outlined in *Erlinger*.
3. All of the charges to which the defendant plead guilty did not involve any sentence enhancements and the sentence imposed for these charges was well within the statutory guidelines. On these facts *Erlinger* is simply not implicated.
4. Defendant’s Motion to Correct an Illegal Sentence must be, and hereby is, denied. Defendant’s Motion for Appointment of Counsel is also denied.

IT IS SO ORDERED.

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

cc: Original to Prothonotary
Therion Reese (SBI # 00640476)
Andrew Vella, Deputy Attorney General