

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

ANTHONY STANLEY,

Defendant.

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I.D. No. 1106019686
1101020723

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 September 22, 2011, defendant pled guilty to Possession of a Firearm by a Person Prohibited (hereinafter “PFBPP”), Possession of a Firearm During the Commission of a Felony (hereinafter “PFDCF”), and Reckless Endangering First Degree. On June 6, 2012, defendant was sentenced as follows: PFBPP - 8 years at Level V; PFDCF - 12 years at Level V; and Reckless Endangering First Degree - 5 years at Level V.
2. On January 31, 2012, in a case involving a separate incident, the defendant pled guilty to Assault First Degree, PFDCF, and Conspiracy Second Degree. Defendant was sentenced to 10 years at Level V for the assault charge, 12 years at Level V for the PFDCF charge, and a probationary sentence for the Conspiracy Second Degree charge.
3. Defendant contends that the sentence exceeds the Truth-In-Sentencing guidelines and violates the constitutional principles established in *Erlinger*.
4. All of the charges that the defendant pled guilty to, with the exception of the PFBPP, did not involve any sentence enhancements and the sentence imposed was within the statutory guidelines. On these facts *Erlinger* is not implicated as to any of these charges.
5. 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 a guilty plea. *Johnson v. State*, 2025 WL 397431 (Del. 2025). In the instant case, defendant admitted that he “knowingly possessed or controlled a firearm after having been convicted of a violent felony in the Superior Court of Delaware in and for New Castle on November 29, 2006, to the charge of burglary in the second degree”.¹ During that same colloquy the defendant also admitted that he understood the sentencing range for the person prohibited charge was 3 to 8 years at Level V. On this record the defendant freely admitted that he was facing a sentence of 3 to 8 years because of a prior conviction that made him a person prohibited.

6. On these facts *Erlinger* is not implicated. Defendant’s Motion for Correction of Illegal sentence must therefore be denied. Defendant’s request for the appointment of counsel is also denied.

IT IS SO ORDERED.

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

cc: Original to Prothonotary
Anthony Stanley (SBI # 00370304)
Andrew Vella, Deputy Attorney General

¹ D.I. 34 and D.I. 55, See Transcript of Plea Colloquy, p. 7-8.