

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALLEN REESE,	§
	§
Defendant Below,	§ No. 202, 2026
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 2005008448 (S)
	§
Appellee.	§

Submitted: August 13, 2026

Decided: October 6, 2026

Before **SEITZ**, Chief Justice; **TRAYNOR** and **LEGROW**, Justices.

CORRECTED ORDER

Upon consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record on appeal, it appears to the Court that:

(1) Allen Reese filed this appeal from the Superior Court’s denial of his request that the Department of Correction (“DOC”) enroll him in the next available Transitions program. The State of Delaware has moved to affirm the Superior Court’s judgment on the grounds that it is manifest on the face of Reese’s opening brief that the appeal is without merit. We agree and affirm.

(2) In July 2021, Reese pleaded guilty to first-degree sexual abuse of a child by a person in a position of trust and second-degree sexual abuse of a child by a person in a position of trust. As part of the plea agreement, the parties agreed to

recommend (i) a sentence of thirteen years unsuspended Level V incarceration, and (ii) that Reese would complete the Transitions program while serving the Level V time. The Superior Court sentenced Reese to thirty-three years of Level V incarceration, suspended after thirteen years and completion of a program in the DOC's discretion for decreasing levels of supervision.¹ Reese did not appeal, but did file an unsuccessful motion for postconviction relief under Superior Court Criminal Rule 61.²

(3) In April 2026, Reese sent a letter asking the Superior Court to order the DOC to enroll him in the next available Transitions program. He claimed that prompt enrollment was necessary because he planned to apply for commutation after completing half of his thirteen-year sentence in January 2028 and could not do so unless he had also completed the Transitions program, which typically takes a year. The Superior Court denied the request, finding that the sentence imposed remained reasonable. The court also noted that there was no guarantee of a commutation, that judicial micromanagement of the DOC is disfavored, and that inmates typically begin any court-ordered program near the end of their Level V time so that they can

¹ According to the sentencing order notes, the program was intended to be a Sexual Disorder Program known as Transitions.

² *Reese v. State*, 350 A.3d 1248, 2025 WL 3281252 (Del. Nov. 24, 2025) (TABLE) (affirming the Superior Court's denial of Reese's motion for postconviction relief).

incorporate what they learn upon their release to the community. This appeal followed.

(4) Contrary to Reese's contentions in his opening brief, the Superior Court did not err in denying his request for placement in the next available Transitions program. If construed as a motion for sentence reduction under Superior Court Criminal Rule 35(b), the request was untimely. Reese filed the request more than ninety days after sentencing and did not demonstrate extraordinary circumstances or entitlement to relief under 11 *Del. C.* § 4217.³ If construed as a petition for issuance of a writ of mandamus to the DOC, Reese failed to establish a clear legal right to the DOC placing him in the Transitions program before he completed even half of his Level V time.⁴

NOW, THEREFORE, IT IS ORDERED that the motion to affirm be GRANTED and that the judgment of the Superior Court be AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

³ Super. Ct. Crim. R. 35(b) (providing that the Superior Court will consider a motion for sentence reduction filed more than ninety days after sentencing "only in extraordinary circumstances or pursuant to 11 *Del. C.* § 4217").

⁴ See, e.g., *Israel v. Coupe*, 115 A.3d 1215, 2015 WL 3717872, at *1 (Del. June 11, 2015) (TABLE) (affirming the Superior Court's dismissal of an inmate's petition for a writ of mandamus directing the DOC to reinstate him to his former position in the commissary because he failed to establish a clear legal right to employment).