

SUPERIOR COURT OF THE STATE OF DELAWARE

State v. Clark

Clark · No. I.D. No. 2305013446 · Decided March 26, 2026

SUMMARY

The Delaware Superior Court denied Thomas R. Clark’s motion under Superior Court Criminal Rule 35(a) to correct an allegedly illegal sentence. The court held that Clark’s negotiated guilty-plea sentence was not enhanced, fell within the statutory ranges, and did not implicate the jury-factfinding rule discussed in Erlinger v. United States. The order was entered on March 26, 2026.

CASE DETAILS

COURT	Superior Court of the State of Delaware
JURISDICTION	Delaware Superior Court
DECIDED	March 26, 2026
DOCKET	I.D. No. 2305013446
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Delaware Superior Court Criminal Rule 35(a) to correct an allegedly illegal sentence, asserting that Erlinger v. United States required jury findings for facts affecting his sentence and that his sentence was illegally enhanced.
STANDARD OF REVIEW	The court reviewed whether the sentence was illegal and whether the defendant demonstrated grounds for correction under Rule 35(a).
PRECEDENTIAL VALUE	Published Delaware Superior Court order
PARTIES	State of Delaware v. Thomas R. Clark

TOPICS

- post-conviction relief
- sentence modification
- sentencing
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- sentencing

QUESTIONS PRESENTED

1. Whether Clark's sentence was illegal because facts affecting the sentence were not presented to and found by a jury.
2. Whether Clark's sentence was illegally enhanced within the meaning of Rule 35(a).
3. Whether *Erlinger v. United States* applied to Clark's sentence.

HOLDINGS

1. Because Clark pleaded guilty and his sentence was not subject to any sentencing enhancement, no additional facts affecting the sentence remained to be presented to a jury.
2. Clark's sentence was not illegally enhanced because no enhancement was applied and the sentence fell within the standard statutory ranges for the offenses to which he pleaded guilty.
3. *Erlinger v. United States* did not apply to Clark's sentence because Clark's sentence did not involve a sentencing enhancement.

KEY QUOTATIONS

“As Mr. Clark’s sentence was not subject to any enhancements, there were no facts affecting his sentence remaining to be presented to a jury.” (3)

“Accordingly, his motion under Rule 35(a) is DENIED.” (4)

FACTUAL BACKGROUND

Clark pleaded guilty to possession of firearm ammunition by a person prohibited and carrying a concealed firearm. As part of a negotiated plea agreement, he and the State jointly recommended an aggregate sentence of sixteen years at supervision level V, suspended after seven years at supervision level V, followed by descending levels of probation. The sentencing court imposed the recommended sentence, and the opinion states that no sentencing enhancement was applied and that the sentence fell within the standard statutory ranges.

PROCEDURAL HISTORY

Clark pleaded guilty to possession of firearm ammunition by a person prohibited and carrying a concealed deadly weapon, a firearm, on September 24, 2024. The parties jointly recommended an aggregate sentence of sixteen years at supervision level V, suspended after seven years at supervision level V, followed by descending levels of probation, and the court imposed that sentence on October 1, 2024. Clark filed his Rule 35(a) motion on March 2, 2026; the Superior Court denied it.

DISPOSITION

other

CASES CITED

- *Erlinger v. United States*, 602 U.S. 921 (2024)
- *Hopkins v. State*, 309 A.3d 423 (Del. 2023) (TABLE)

- Phillips v. State, 2025 WL 1693652, at *2 (Del. June 16, 2025) (TABLE)

OPINION

State v. Clark

PER CURIAM.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE, : v. : I.D. No.: 2305013446

THOMAS R. CLARK, : Defendant. :

ORDER

1. On September 24, 2024, Defendant Thomas R. Clark pled guilty to Possession of Firearm Ammunition by a Person Prohibited (“PABPP”) and Carrying a Concealed Deadly Weapon, a Firearm (“CCDW”).¹ On October 1, 2024, at a deferred sentencing hearing, the Court sentenced Mr. Clark to an aggregate of 16 years at supervision level V, suspended after 7 years at supervision level V, followed by descending levels of probation.²

2. On March 2, 2026, Mr. Clark filed a Motion for Correction of Illegal Sentence under Rule 35(a), arguing that he is due sentencing relief under *Erlinger v. United States*.³ Mr. Clark contends that his sentence must be corrected because: (1) 1 State v. Thomas R. Clark, Crim. I.D. No. 2305013446, Docket Item (D.I.) 24. 2 D.I. 26-27. 3 D.I. 41, citing *Erlinger v. United States*, 602 U.S. 921 (2024). 1 all facts relating to a defendant’s sentence must be presented to a jury; and (2) his sentence constitutes an illegally enhanced sentence.⁴

3. A review of the chronology of Mr. Clark’s plea and sentencing – and his sentence itself – reveals his motion lacks merit. Mr. Clark negotiated a plea agreement with the State. As part of that agreement, the State and Mr. Clark jointly recommended a sentence of 16 years at supervision level V, suspended after 7 years at supervision level V, followed by descending levels of probation.⁵ Further, Mr. Clark assented to being placed on pretrial GPS pending his deferred sentencing hearing.⁶

4. The Court conducted a plea colloquy with Mr. Clark on September 24, 2024. As part of that colloquy, the Court informed Mr. Clark of the minimum mandatory sentences attached to the charges to which he pled, as well as the potential maximum penalty the Court could impose if it accepted his guilty plea.⁷ 4 Mot. for Correction of Illegal Sentence, D.I. 41 at 4-5. 5 Tr. of Mr. Clark’s Plea Colloquy, D.I. 42 at 3-7 (Sep. 24, 2024). As part of this plea colloquy, the Court confirmed Mr. Clark’s understanding and assent to the terms of the negotiated plea agreement. 6 Id. See also Id. at 13-14. Defense counsel indicated to the Court that Mr. Clark was advised of “the generally accepted practice” that the Court would likely sentence him as recommended if he appeared to Court promptly on the deferred sentencing date. Further, the Court advised Mr. Clark that, if he did not appear for the deferred sentencing, it would order a pre-sentence investigation, and take the failure to appear into account when considering the 16-year maximum sentence. 7 Id. at 9. 2

5. On October 1, 2024, Mr. Clark was sentenced by a different judicial officer. 8 No sentencing enhancement was applied at any time by the sentencing judge. The sentencing judge imposed the sentence recommended by the parties.⁹

6. By entering a guilty plea, Mr. Clark relieved the State of its evidentiary burden to prove the charges against him beyond a reasonable doubt.¹⁰ As Mr. Clark's sentence was not subject to any enhancements, there were no facts affecting his sentence remaining to be presented to a jury.¹¹

7. Moreover, because Mr. Clark's sentence was not enhanced in any way, it could not possibly be "illegally enhanced." Mr. Clark received a sentence that fell within the standard statutory range for each offense to which he pled guilty. That Mr. Clark agreed to that sentence as part of a plea agreement – which was confirmed by two separate judicial officers, in two separate colloquies, on two separate dates¹² – further highlights that Mr. Clark did not receive an illegally-enhanced sentence. 8 Tr. of Mr. Clark's Sentencing, D.I. 43 (Oct. 1, 2024). As part of sentencing, the Court again confirmed the terms of the negotiated plea agreement. Id. at 4-5. 9 Id. at 8-10. 10 Hopkins v. State, 309 A.3d 423 (Del. 2023) (TABLE). 11 See Phillips, v. State, 2025 WL 1693652, at *2 (Del. June 16, 2025) (TABLE) (noting that Erlinger requires "a unanimous jury must determine beyond a reasonable doubt whether a defendant's prior offenses were committed on separate occasions for sentencing enhancements under the Armed Career Criminal Act."). 12 See Tr. of Mr. Clark's Plea Colloquy, D.I. 42, at 4-10 (Sep. 24, 2024); See also Tr. of Mr. Clark's Sentencing, D.I. 43, at 4-5 (Oct. 1, 2024). 3

8. Mr. Clark has failed to demonstrate any illegality affecting his sentence. He has also failed to demonstrate Erlinger has any applicability to his sentence. Accordingly, his motion under Rule 35(a) is DENIED. IT IS SO ORDERED this 26th day of March, 2026. RLG/ds oc: Prothonotary cc: Thomas R. Clark Department of Justice Office of Conflict Counsel File 4