

# SUPERIOR COURT OF THE STATE OF DELAWARE

## State v. Davis

No. Crim. ID No. 1811002611, Superior Court of the State of Delaware (January 28, 2026)

### SUMMARY

The Delaware Superior Court denied Ronald Davis’s motion for postconviction relief and related request for appointment of counsel. The Court treated his constitutional sentencing challenges under Superior Court Criminal Rule 35(a), concluding that his habitual-offender and weapons-possession claims were barred or meritless and that his ineffective-assistance claim failed because counsel was not ineffective for omitting unsuccessful arguments.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Superior Court of the State of Delaware                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Sheldon K. Rennie                                                                                                                                                                                                                                                                        |
| JURISDICTION          | Delaware Superior Court                                                                                                                                                                                                                                                                  |
| DECIDED               | January 28, 2026                                                                                                                                                                                                                                                                         |
| DOCKET                | Crim. ID No. 1811002611                                                                                                                                                                                                                                                                  |
| DISPOSITION           | denied                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Defendant sought postconviction relief, correction of an illegal sentence, and appointment of counsel. The Superior Court denied the postconviction motion and the request for counsel.                                                                                                  |
| STANDARD OF REVIEW    | The court reviewed the Commissioner's report and recommendation and independently determined the legal bases for denying relief. Rule 35(a) provides a narrow vehicle for correcting illegal sentences and does not permit relitigation of errors occurring before sentence was imposed. |
| PRECEDENTIAL VALUE    | Published Delaware Superior Court opinion                                                                                                                                                                                                                                                |
| PARTIES               | State of Delaware v. Ronald Davis                                                                                                                                                                                                                                                        |

### TOPICS

- state post-conviction relief
- sentencing
- ineffective assistance
- double jeopardy
- criminal procedure

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Davis's constitutional challenges to the validity and length of his sentence were cognizable under Rule 61 or instead had to be brought under Rule 35(a).
2. Whether Davis could relitigate his challenge to the use of his Escape After Conviction conviction as a predicate for habitual-offender sentencing.
3. Whether Davis waived a challenge to jury determination of the facts supporting habitual-offender sentencing by admitting habitual-offender status in his plea and truth-in-sentencing documents.
4. Whether multiple weapons charges based on the same possessed weapons violated due process or double jeopardy principles.
5. Whether counsel was ineffective for failing to raise sentencing arguments that lacked merit.

## HOLDINGS

1. Claims challenging the validity or length of a sentence are not cognizable under Rule 61 and must be pursued through Rule 35; the court therefore considered Davis's constitutional sentencing claims under Rule 35(a).
2. Davis could not relitigate his challenge to the use of his Escape After Conviction conviction as a habitual-offender predicate because the issue had already been decided by the Delaware Supreme Court and was barred by the law-of-the-case doctrine.
3. Davis waived any challenge to jury determination of his habitual-offender status and the resulting sentence enhancement by admitting in his plea agreement and truth-in-sentencing form that he was a habitual offender subject to section 4214(c) and its fifteen-year minimum.
4. Charging a defendant with possession of a firearm during the commission of a felony for each firearm possessed and each felony committed does not violate double jeopardy under long-standing Delaware law.
5. Counsel's failure to file motions or raise constitutional arguments that would not have succeeded does not constitute ineffective assistance of counsel.

## KEY QUOTATIONS

*“Rule 35(a) serves a narrow function: it only allows the Court to correct illegal sentences.”* (at 4)

*“[C]ounsel’s failure to file motions or raise arguments that would not have been successful does not amount to ineffective assistance.”* (at 7)

## FACTUAL BACKGROUND

Davis was arrested and indicted on numerous narcotics, firearm, and ammunition offenses. He pleaded guilty to one count of drug dealing and one count of possession or control of a firearm by a person prohibited, was declared a habitual offender, and received a mandatory fifteen-year Level V sentence on the firearm offense. In

his postconviction motion, he challenged the habitual-offender enhancement, argued that multiple weapons charges violated due process and double jeopardy, and alleged ineffective assistance based on counsel's failure to raise those arguments.

## PROCEDURAL HISTORY

Davis pleaded guilty to drug dealing and possession or control of a firearm by a person prohibited and was sentenced as a habitual offender. After prior unsuccessful motions concerning sentence modification and correction of an illegal sentence, he filed this first motion for postconviction relief. A Superior Court Commissioner recommended denial under Rule 61; the court accepted the recommendation's result but denied relief on different grounds, treating the constitutional sentencing claims under Rule 35(a).

## DISPOSITION

denied

## CASES CITED

- Davis v. State, 340 A.3d 1150 (TABLE), 2025 WL 1178395 (Del. Apr. 22, 2025)
- State v. Colburn, 2016 WL 3248222, at \*2 (Del. Super. June 1, 2016)
- Shaw v. State, 2008 WL 1952089, \*1 n.9 (Del. May 6, 2008)
- Unitrin, Inc. v. Am. Gen. Corp., 651 A.2d 1361, 1390 (Del. 1995)
- Stevens v. State, 110 A.3d 1264, 1270 (Del. Super. Ct. Jan. 20, 2015)
- Gilmore v. State, 135 A.3d 77 (TABLE), 2016 WL 936990, at \*1 (Del. Mar. 10, 2016)
- Wilson v. State, 900 A.2d 102 (TABLE), 2006 WL 1291369, at \*2 (Del. May 9, 2006)
- State v. Berry, 2016 WL 1169131, at \*4 (Del. Super. Mar. 16, 2016)
- State v. Weber, 2023 WL 5605620, at \*4 (Del. Super. Aug. 29, 2023)
- Brittingham v. State, 705 A.2d 577, 578-579 (Del. 1998)
- Erlinger v. United States, 602 U.S. 821 (2024)
- Jackson v. State, 346 A.3d 102 (TABLE), 2025 WL 2399539, at \*5 (Del. Aug. 18, 2025)
- State v. Grzybowski, 2025 WL 1411894, at \*3 (Del. Super. May 14, 2025)
- Carter v. State, 911 A.2d 802 (TABLE), 2006 WL 3053268, at \*1 (Del. Oct. 27, 2006)
- Nance v. State, 903 A.2d 283, 287 (Del. 2006)
- State v. Page, 2011 WL 1213841, at \*5 (Del. Super. Mar. 30, 2011)
- Pierce v. State, 966 A.2d 348 (TABLE), 2009 WL 189150, at \*2 (Del. Jan. 16, 2009)
- State v. Brisco, 2025 WL 1707567, at \*1 (Del. Super. June 16, 2025)