

SUPREME COURT OF THE STATE OF DELAWARE

West v. State

No. 389, 2025 · No. No. 389, 2025 · Decided December 18, 2025

SUMMARY

The Delaware Supreme Court affirmed the denial of James E. West’s motion to correct an illegal sentence. The Court held that the plea agreement correctly identified the offenses and sentencing ranges, that the twenty-five-year sentence for first-degree robbery was within the statutory range, and that West’s unpreserved due process argument would not be considered for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr., Chief Justice; James T. Valihura, Justice; Griffiths, Justice
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	December 18, 2025
DOCKET	No. 389, 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	West appealed the Superior Court's denial of his motion for correction of an illegal sentence. The State moved to affirm under the Delaware Supreme Court's summary affirmance procedure.
STANDARD OF REVIEW	The denial of a motion for correction of an illegal sentence is reviewed for abuse of discretion; legal questions are reviewed de novo.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion; precedential
PARTIES	James E. West v. State of Delaware

TOPICS

- sentence modification
- sentencing
- post-conviction relief
- appellate procedure
- preservation of error

PRACTICE AREAS

- criminal procedure
- sentencing
- appellate procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion in denying West's motion to correct an allegedly illegal sentence on Count 11.
2. Whether West's claim that the plea agreement reduced Count 11 from first-degree robbery to attempted second-degree robbery could be considered for the first time on appeal.
3. Whether the sentence imposed for first-degree robbery on Count 11 was within the statutory sentencing range.

HOLDINGS

1. The court declined to consider West's due-process challenge to the plea colloquy because he did not raise it below and the interests of justice did not warrant appellate review under Supreme Court Rule 8.
2. Count 11 remained a first-degree robbery conviction; the plea agreement reduced only Count 6 to attempted second-degree robbery.
3. The twenty-five-year Level V sentence for first-degree robbery on Count 11 was not illegal because it fell within the statutory sentencing range.

KEY QUOTATIONS

“A sentence is illegal if it exceeds statutory limits, violates the Double Jeopardy Clause, is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to its substance, or is a sentence that the judgment of conviction did not authorize.” (at 2)

FACTUAL BACKGROUND

West pleaded guilty to three counts of first-degree robbery, two counts of second-degree robbery, one count of attempted second-degree robbery as a lesser-included offense of attempted first-degree robbery, and one count of second-degree conspiracy. The plea agreement capped the State's sentencing recommendation at twenty years of unsuspended Level V incarceration and provided that the State would not seek habitual-offender sentencing. The Superior Court imposed ninety-two years of Level V incarceration, suspended after twelve years for decreasing levels of supervision, including twenty-five years of Level V incarceration suspended after four years on Count 11 for first-degree robbery. West later claimed that Count 11 had been reduced to attempted second-degree robbery and that the resulting sentence was illegal.

PROCEDURAL HISTORY

A grand jury charged West with multiple robbery-related offenses in 2019. In 2020, he pleaded guilty to multiple robbery offenses and second-degree conspiracy, and the Superior Court imposed an aggregate sentence of ninety-two years of Level V incarceration, suspended after twelve years for decreasing levels of supervision. West did not take a direct appeal, later unsuccessfully sought postconviction relief under Superior Court Criminal Rule 61, and then filed a motion for correction of an illegal sentence in August 2025. The Superior Court denied that motion, and the Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- West v. State, 319 A.3d 270, 2024 WL 1881136 (Del. Apr. 30, 2024) (TABLE)
- Fountain v. State, 100 A.3d 1021, 2014 WL 4102069, at *1 (Del. Aug. 19, 2014) (TABLE)
- Brittingham v. State, 705 A.2d 577, 578 (Del. 1998)

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