

SUPREME COURT OF THE STATE OF DELAWARE

Melendez v. State

No. 260, 2025 · No. No. 260, 2025 · Decided November 24, 2025

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Anibal Melendez’s motion to correct an illegal sentence. The Court rejected his claims that he had a right to be present during resentencing and that his convictions for assault in a detention facility and possession of a deadly weapon during the commission of a felony violated double jeopardy principles. The Court granted the State’s motion to affirm.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Seitz, Chief Justice; Legrow, Justice; Griffiths, Justice
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	November 24, 2025
DOCKET	No. 260, 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial in part of Melendez's motion under Superior Court Criminal Rule 35(a) to correct an illegal sentence; the State moved to affirm.
STANDARD OF REVIEW	Denial of a motion to correct an illegal sentence is reviewed for abuse of discretion; legal questions are reviewed de novo. The failure-to-be-present claim was reviewed for plain error because Melendez did not request an open-court hearing.
PRECEDENTIAL VALUE	Published
PARTIES	Anibal G. Melendez v. State of Delaware

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether Melendez had a right to be present when the Superior Court modified his sentences.
2. Whether the absence of an open-court resentencing constituted plain error requiring remand.
3. Whether convictions for assault in a detention facility and possession of a deadly weapon during the commission of a felony violated the Double Jeopardy Clause.

HOLDINGS

1. A defendant has a fundamental right to be present at the imposition of a final sentence, including a resentencing that amends an original sentence.
2. The failure to conduct the sentence modification in open court did not constitute plain error requiring remand where the amended order merely eliminated a sentence, did not alter the remaining Level V time or supervision conditions, and gave Melendez the result he sought.
3. Convictions for assault in a detention facility and possession of a deadly weapon during the commission of a felony do not violate double jeopardy principles.
4. A sentence is illegal if it exceeds statutory limits, violates the Double Jeopardy Clause, is ambiguous as to the time or manner of service, is internally contradictory, omits a statutorily required term, is uncertain in substance, or is unauthorized by the judgment of conviction.

KEY QUOTATIONS

“It is well established that a defendant has a fundamental right to be present at the imposition of a final sentence following a criminal conviction.” (¶ 7)

“Under plain error review, the matter complained of must be an error which is so clearly prejudicial to substantial rights that the fairness and integrity of the proceeding is jeopardized.” (¶ 7)

FACTUAL BACKGROUND

In February 2007, a Superior Court jury found Melendez guilty of assault in a detention facility, first-degree assault, possession of a deadly weapon during the commission of a felony, and possession of a deadly weapon by a person prohibited. The Superior Court initially imposed twenty years for the detention-facility assault, ten years for first-degree assault, ten years for PDWDCF, and three years for PDWBPP, suspended after one year for probation. In later Rule 35(a) proceedings, the court reduced the detention-facility assault sentence to eight years and eliminated the first-degree-assault sentence, after which Melendez challenged the resentencing procedure and asserted double-jeopardy violations.

PROCEDURAL HISTORY

A Superior Court jury convicted Melendez in 2007, and the court imposed sentences for assault in a detention facility, first-degree assault, possession of a deadly weapon during the commission of a felony, and possession of a deadly weapon by a person prohibited. After an earlier Rule 35(a) proceeding reduced the detention-facility assault sentence, the Superior Court later eliminated the first-degree-assault sentence on merger grounds.

Melendez appealed, arguing that he had a right to be present at resentencing and that two of his convictions violated double jeopardy.

DISPOSITION

affirmed

CASES CITED

- Melendez v. State, 2008 WL 187950 (Del. Jan. 23, 2008)
- State v. Melendez, 2024 WL 1005567, at *4 (Del. Super. Ct. Mar. 7, 2024)
- Fountain v. State, 2014 WL 4102069, at *1 (Del. Aug. 19, 2014)
- Brittingham v. State, 705 A.2d 577, 578 (Del. 1998)
- Medley v. State, 281 A.3d 29, 34 (Del. 2022)
- Davis v. State, 2008 WL 853536, at *1 (Del. Apr. 1, 2008)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE ANIBAL G. MELENDEZ, § § No. 260, 2025 Defendant Below, § Appellant, § Court Below–Superior Court § of the State of Delaware v. § § Cr. ID No. 0509024924 (N) STATE OF DELAWARE, § § Appellee. § Submitted: September 17, 2025 Decided: November 24, 2025 Before SEITZ, Chief Justice; LEGROW and GRIFFITHS, Justices. ORDER After consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the Superior Court record, it appears to the Court that: (1) Anibal Melendez appeals the Superior Court’s denial of his motion for the correction of an illegal sentence.

The State of Delaware has moved to affirm the judgment below on the ground that it is manifest on the face of Melendez’s opening brief that his appeal is without merit. We agree and affirm. (2) In February 2007, a Superior Court jury found Melendez guilty of one count of assault in a detention facility, one count of first-degree assault, one count of possession of a deadly weapon during the commission of a felony (PDWDCF), and one count of possession of a deadly weapon by a person prohibited (PDWBPP).

The Superior Court immediately sentenced Melendez as follows: for assault in a detention facility, to twenty years of incarceration; for first-degree assault, to ten years of incarceration; for PDWDCF, to ten years of incarceration; and for PDWBPP, to three years of incarceration, suspended after one year for probation.

We affirmed Melendez’s convictions and sentence on direct appeal.¹ (3) In August 2023, Melendez moved for the correction of an illegal sentence under Superior Court Criminal Rule 35(a), arguing in part that although he had been indicted for assault at a detention center under 11

Del. C. § 1254(a)—a Class D felony subject to a sentencing range of zero to eight years—he had been sentenced under Section 1254(b)—a Class B felony subject to a sentencing range of two to twenty-five years.

The Superior Court granted Melendez’s motion in part and agreed to resentence him under Section 1254(a).² On April 19, 2024, the Superior Court entered a modified sentence order reducing Melendez’s sentence for assault in a detention facility from twenty years to eight years.

(4) In 2024, Melendez again moved for the correction of an illegal sentencing, arguing that (i) his sentences for assault in a detention facility and first- degree assault violated the Double Jeopardy Clause and (ii) Section 1254 “only support[s] that he only be charge[d] with that offense, not with any [other] offenses” ¹ Melendez v. State, 2008 WL 187950 (Del.

Jan. 23, 2008). ² State v. Melendez, 2024 WL 1005567, at *4 (Del. Super. Ct. Mar. 7, 2024). ³ because he was in a detention center when he committed the assault.³ The Superior Court agreed with Melendez’s argument that his first-degree assault conviction merged with this assault-in-a-detention-facility conviction for sentencing purposes and granted in part his motion.

On April 22, 2025, the Superior Court modified Melendez’s sentencing order to eliminate his ten-year sentence for first-degree assault. This appeal followed. (5) We review the denial of a motion for correction of illegal sentence for abuse of discretion.⁴ To the extent a claim involves a question of law, we review the claim de novo.⁵ 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.⁶ (6) In his opening brief on appeal, Melendez argues that (i) he had a right to be present when the Superior Court resentenced him and (ii) he was charged with assault in a detention facility and PDWD CF in violation of the Double Jeopardy Clause.

After careful review, we find Melendez’s arguments to be unavailing. ³ App. to Opening Br., Ex. A at 6. ⁴ Fountain v. State, 2014 WL 4102069, at *1 (Del. Aug. 19, 2014). ⁵ Id. ⁶ Brittingham v. State, 705 A.2d 577, 578 (Del. 1998). ³ (7) “It is well established that a defendant has a fundamental right to be present at the imposition of a final sentence following a criminal conviction.

This includes a [right to be present at a] resentencing that amends an original sentence.”⁷ We review Melendez’s claim on appeal for plain error, however, because he did not ask for his motion to be heard in open court.⁸ “Under plain error review, the matter complained of must be an error which is so clearly prejudicial to substantial rights that the fairness and integrity of the [proceeding] is jeopardized.”⁹ Here, the only change to Melendez’s sentence was the elimination of his ten-year sentence for first- degree assault.

The amended order did not otherwise alter the Level V time that he must serve on his other convictions or change any special condition of his supervision. And we note that Melendez is also serving a life sentence for murder.

Under these circumstances, it cannot be said that the fairness and integrity of the proceeding was jeopardized—indeed, Melendez obtained the result he sought—and we therefore decline to remand for resentencing. (8) Melendez’s argument that his charges (and convictions) for assault in a detention facility and PDWDCF violate double jeopardy principles is also unavailing.

This Court expressly held to the contrary in *Davis v. State*.¹⁰ 7 *Medley v. State*, 281 A.3d 29, 34 (Del. 2022) (citation modified). 8 *Id.* (noting that because the appellant had not requested a hearing below, his argument that he was entitled to be present for resentencing was reviewed for plain error on appeal). 9 *Id.* 10 2008 WL 853536, at *1 (Del. Apr. 1, 2008) (rejecting the appellant’s claim that his convictions for assault in a detention facility and PDWDCF violate double jeopardy principles).

4 NOW, THEREFORE, IT IS HEREBY ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED. BY THE COURT: /s/ N. Christopher Griffiths
Justice 5