

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)

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