

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|-------------------------|--------------------------------|
| CHARLES A. BLANCHFIELD, | §                              |
|                         | § No. 342, 2005                |
| Defendant Below-        | §                              |
| Appellant,              | §                              |
|                         | § Court Below—Superior Court   |
| v.                      | § of the State of Delaware     |
|                         | § in and for New Castle County |
| STATE OF DELAWARE,      | § Cr.A. Nos. IN89-10-0119 thru |
|                         | § 0121                         |
| Plaintiff Below-        | §                              |
| Appellee.               | §                              |

Submitted: September 12, 2005

Decided: November 10, 2005

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 10<sup>th</sup> day of November 2005, upon consideration of the appellant's opening brief, the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), and the appellant's response to the motion to affirm,<sup>1</sup> it appears to the Court that:

(1) The defendant-appellant, Charles A. Blanchfield, filed an appeal from the Superior Court's July 15, 2005 order denying his motion for correction of an illegal sentence pursuant to Superior Court Criminal Rule 35(a). The plaintiff-appellee, the State of Delaware, has moved to affirm the

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<sup>1</sup> This Court granted the appellant's motion for leave to respond to the State's motion to affirm. Supr. Ct. R. 25(a) (iii).

judgment of the Superior Court on the ground that it is manifest on the face of Blanchfield's opening brief that the appeal is without merit. We agree and affirm.

(2) In June 1990, Blanchfield pleaded guilty to two counts of Unlawful Sexual Intercourse in the Third Degree and one count of Burglary in the Second Degree. He was sentenced to a total of 35 years incarceration at Level V. Blanchfield subsequently filed a motion for postconviction relief, which was denied by the Superior Court. This Court affirmed the Superior Court's judgment on appeal.<sup>2</sup>

(3) In this appeal, Blanchfield claims that: a) his sentences are illegal because the State did not prove that he had the requisite intent to commit the crimes with which he was charged; and b) the Superior Court abused its discretion when it denied his motion for correction of an illegal sentence.

(4) Rule 35(a) permits the Superior Court to correct an illegal sentence "at any time." The narrow function of Rule 35 is to permit correction of an illegal sentence, however, not to re-examine errors that may have occurred during proceedings before the imposition of sentence.<sup>3</sup> A

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<sup>2</sup> *Blanchfield v. State*, Del. Supr., No. 97, 1994, Veasey, C.J. (Oct. 18, 1994).

<sup>3</sup> *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).

proceeding under Rule 35 presupposes a valid conviction.<sup>4</sup> Relief under Rule 35(a) is available when the sentence imposed exceeds the statutorily authorized limits, violates double jeopardy, 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.<sup>5</sup>

(5) Blanchfield is not entitled to relief under Rule 35(a). He does not argue that his sentences exceed the statutorily authorized limit, violate double jeopardy or are ambiguous or erroneous in any respect. Rather, his complaint centers on the proceedings prior to the imposition of his sentences, which is prohibited under Rule 35. The transcript of Blanchfield's plea colloquy reflects that he entered a knowing and voluntary plea of guilty to the charges of unlawful sexual intercourse and burglary. In the absence of a trial, the State has no obligation to prove intent, which renders Blanchfield's claim factually baseless. Under these circumstances, there was no abuse of discretion on the part of the Superior Court in denying Blanchfield's claim.

(6) It is manifest on the face of Blanchfield's opening brief that this appeal is without merit because the issues presented on appeal are controlled

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<sup>4</sup> Id.

<sup>5</sup> Id.

by settled Delaware law and, to the extent that judicial discretion is implicated, clearly there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice