

IN THE SUPREME COURT OF THE STATE OF DELAWARE

REGINALD JACKSON,	§	
	§	No. 457, 2007
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 9801007022
Appellee.	§	

Submitted: January 25, 2008

Decided: April 23, 2008

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

ORDER

This 23rd day of April 2008, upon consideration of the briefs of the parties it appears to the Court that:

(1) In 1999, a Superior Court jury found the appellant, Reginald Jackson, guilty of attempted first degree murder, first degree robbery and related weapons offenses. After a presentence investigation, Jackson was sentenced to thirty-seven years in prison suspended, after twenty-seven years, for decreasing levels of supervision. Jackson's convictions were affirmed on direct appeal.¹

¹ *Jackson v. State*, 2000 WL 1508601 (Del. Supr.).

(2) In 2000 and 2002, Jackson moved for postconviction relief pursuant to Superior Court Criminal Rule 61. Jackson’s appeal from the denial of his first postconviction motion was dismissed as untimely.² The denial of Jackson’s second postconviction motion was affirmed on appeal.³

(3) In May 2007, Jackson filed a motion to correct an illegal sentence pursuant to Superior Court Criminal Rule 35(a) (“Rule 35(a”). By decision dated August 15, 2007, the Superior Court denied the motion, and this appeal followed.

(4) In his opening brief on appeal, Jackson alleges, as he did in his Rule 35(a) motion, that his sentence was illegal because it was based upon “false information” presented by the prosecutor at the sentencing proceeding.⁴ Jackson also alleges that the sentence was imposed in an illegal manner because the Superior Court failed to “address [him] personally” as required by Superior Court Criminal Rule 32(a)(1)(C).⁵

² *Jackson v. State*, 2001 WL 578565 (Del. Supr.).

³ *Jackson v. State*, 2003 WL 21241350 (Del. Supr.).

⁴ Jackson takes exception to the prosecutor’s remarks suggesting that in 1994 Jackson had been involved with a gang that “murdered a couple of New York drug dealers.” Hr’g Tr. at 3 (April 23, 1999).

⁵ See Del. Super. Ct. Crim. R. 32(a)(1)(C) (providing that “[b]efore imposing sentence, the court shall address the defendant personally and determine if the defendant wishes to make a statement and to present any information in mitigation of the sentence”).

(5) Jackson's claims are unavailing. His claim that he was sentenced on the basis of "false information" is not supported by the record.⁶ His claim that the Superior Court failed to "address [him] personally" is untimely under Rule 35(a).⁷ Having reviewed the record, the Court can discern no exceptional circumstances that would permit consideration of the claim.⁸

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁶ When imposing sentence, the Superior Court observed that "[t]he crime [was] excessively cruel," Jackson had engaged in "prior violent criminal conduct," and Jackson's victim "was shot in the back while unarmed." Hr'g Tr. at 8-9 (April 23, 1999). In its denial of the Rule 35(a) motion, the Superior Court noted that when sentencing Jackson it relied on "the evidence presented at trial," "records from the Family Court tending to show that [Jackson] had engaged in violent conduct as a youth," and a determination that Jackson posed "a danger to others."

⁷ See Super. Ct. Crim. R. 35(a), (b) (providing that, absent exceptional circumstances, the court may correct a sentence imposed in an illegal manner only within ninety days after the sentence is imposed).

⁸ *Id.*