

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VICTOR HACKETT,	§
	§ No. 667, 2007
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0609019128
Plaintiff Below-	§
Appellee.	§

Submitted: February 25, 2008
Decided: May 28, 2008

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

ORDER

This 28th day of May 2008, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The defendant-appellant, Victor Hackett, appeals from the Superior Court's denial of his motion for correction of sentence under Superior Court Criminal Rule 35(a). The State has moved to affirm the judgment below on the ground that it is manifest on the face of Hackett's opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Hackett pled guilty in December 2006 to one count of possession with intent to deliver cocaine. In exchange for

his plea, the State dismissed charges against Hackett, that were pending under another indictment. In his plea agreement, Hackett conceded that he was subject to sentencing as an habitual offender, and agreed to the State's sentencing recommendation of fifteen years at Level V imprisonment. The Superior Court granted the State's habitual offender motion and sentenced Hackett, in accordance with his plea agreement, to fifteen years in prison. Hackett did not appeal. Instead, he moved for a sentence reduction, which was denied. Thereafter, he moved for a correction of sentence under Superior Court Criminal Rule 35(a), claiming that his criminal conviction, a Title 16 offense, was not subject to sentencing as an habitual offender and that his sentence was therefore illegal. The Superior Court denied his motion.

(3) After careful consideration of the parties' respective positions on appeal, we find it manifest that the judgment of the Superior Court must be affirmed. A sentence is illegal if it exceeds the statutorily authorized 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 the substance of the sentence, or is a sentence which the judgment of conviction did not

authorize.¹ Hackett's fifteen-year sentence was well within the range of statutorily authorized sentences and was not otherwise illegal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ *Brittingham v. State*, 705 A.2d 577, 578 (Del. 1998).