

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL MANLEY,	§	
	§	No. 165, 2018
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court
	§	of the State of Delaware
v.	§	
	§	
STATE OF DELAWARE,	§	Case ID No. 9511007022
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: December 5, 2018
Decided: December 6, 2018

Before **STRINE**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

(1) This appeal presents a familiar issue that has arisen multiple times since this Court’s opinions in *Rauf v. State*¹ and *Powell v. State*,² which respectively held that Delaware’s death penalty statute is unconstitutional and that *Rauf*’s holding applies retroactively. Although we concluded in *Powell* that the defendant “must be sentenced to ‘imprisonment for the remainder of his natural life without benefit of probation or parole or any other reduction,’”³ a number of defendants who were convicted of first-degree murder and sentenced to death before *Rauf* have argued

¹ 145 A.3d 430 (Del. 2016).

² 153 A.3d 69 (Del. 2016).

³ *Id.* at 70–71.

that they must instead be resentenced to imprisonment for 15 years to life. As these defendants see it, *Rauf* struck down the entirety of Delaware’s first-degree murder sentencing statute, not just the death penalty portion. Thus, they argue, they must be resentenced under the still-valid sentencing statute for felonies generally (*i.e.*, for 15 years to life).⁴

(2) The appellant and defendant below, Michael Manley, is another one of those defendants. Although he tries hard to give his case a new constitutional gloss based on the Eighth and Fourteenth Amendments, we rejected those same arguments earlier this year in *Cook v. State*.⁵

(3) Consistent with our prior decisions on this issue,⁶ we affirm the Superior Court’s judgment on the basis of its well-reasoned order denying Manley’s motion for resentencing.⁷ As we have now held many times, *Rauf* did not strike down the entirety of the first-degree murder statute—it struck down only the death penalty portion—and the proper sentence for a defendant convicted of first-degree murder is “imprisonment for the remainder of his natural life without benefit of probation or parole or any other reduction.”⁸

⁴ See 11 *Del. C.* § 4205(b)(1).

⁵ 181 A.3d 152, 2018 WL 1020106, at *1 (Del. 2018) (TABLE); see also *Zebroski v. State*, 179 A.3d 855, 863 (Del. 2018).

⁶ See, e.g., *Cook*, 2018 WL 1020106, at *1; *Zebroski*, 179 A.3d at 859–60, 863.

⁷ *State v. Manley*, 2018 WL 1110420 (Del. Super. Ct. Feb. 28, 2018).

⁸ 11 *Del. C.* § 4209(a).

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

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice