

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IZZY WHITEHURST,	§
	§
Defendant Below,	§ No. 404, 2022
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1110014096 (N)
	§
Appellee.	§

Submitted: November 16, 2022

Decided: November 30, 2022

Before **SEITZ**, Chief Justice; **VAUGHN** and **TRAYNOR**, Justices.

**ORDER**

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s order, dated October 19, 2022, denying the appellant’s motion for correction of illegal sentence. The appellant’s sentences for three counts of possession of a firearm during the commission of a felony are not illegal.<sup>1</sup>

---

<sup>1</sup> See *DeShields v. State*, 2015 WL 115487 (Del. Jan. 7, 2015) (affirming denial of motion for correction of illegal sentence and rejecting claim that sentences for two counts of possession of a firearm during the commission of a felony—one related to the defendant’s conviction for first-degree robbery and one related to his conviction for second-degree assault—violated the Double Jeopardy Clause).

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor  
Justice