

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE	)	
	)	
	)	I.D. No. 1006020268
v.	)	
	)	
SYLVESTER PETTYJOHN	)	
	)	
Defendant	)	

Submitted: November 18, 2014  
Decided: February 2, 2015

*Upon Defendant's Motion to Suppress  
and Challenge Validity of Conviction.*  
**DENIED.**

**ORDER**

This 2nd day of February, 2015, upon consideration of Defendant's motion for postconviction relief, it appears to the Court that:

1. On December 10, 2010, Defendant, Sylvester Pettyjohn, pled guilty to one count of Possession of Heroin Within 1000' of a School. Defendant's sentence was imposed immediately following his guilty plea.
2. On November 18th, 2014, Defendant filed the instant motion, a "motion to suppress and challenge validity of conviction." It appears from the record that Defendant is not entitled to relief, and the motion is subject to summary dismissal.

3. Defendant argues that, because there was an ongoing “scandal” at the Office of the Chief Medical Examiner (“OCME”) during the time of his guilty plea, the “conviction is unreliable and constitutionally flawed and should not be counted as a conviction for the purpose of” habitual offender sentencing.

4. The Delaware Supreme Court has held that “[a defendant]’s voluntary guilty plea constitutes a waiver of any alleged errors occurring before the entry of the plea. Absent clear and convincing evidence to the contrary, [a defendant] is bound by the answers on the Truth–in–Sentencing form and his . . . statements to the judge during the guilty plea colloquy.”<sup>1</sup> The Court has also held that, through a voluntary and intelligent plea bargain, a Defendant forfeits his right to challenge the underlying strength of the charge to which he pleaded guilty.<sup>2</sup>

5. Regardless of whether there was ongoing malfeasance at the OCME, Defendant knowingly, intelligently, and voluntarily accepted responsibility for the crime by entering the guilty plea.

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<sup>1</sup> *Purnell v. State*, 100 A.3d 1021, \*3 (Del. 2014); *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997) (“With or without the witness oath, a defendant’s statements to the Superior Court during the guilty plea colloquy are presumed to be truthful.”).

<sup>2</sup> *Downer v. State*, 543 A.2d 309, 312 (Del. 1988) (“[Defendant], through a voluntary and intelligent plea bargain, has forfeited his right to attack the underlying infirmity in the charge to which he pleaded guilty.”).

6. For the reasons set forth above, Defendant's motion is **DENIED**.

**IT IS SO ORDERED.**

*/s/ Charles E. Butler*  
Judge Charles E. Butler