IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRANDON WAYS,	§	
	§	No. 375, 2013
Defendant Below-	§	
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	in and for Sussex County
STATE OF DELAWARE,	§	Cr. ID No. 1202006409A
	§	
Plaintiff Below-	§	
Appellee.	§	

Submitted: August 30, 2013
Decided: October 7, 2013

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

O R D E R

This 7th day of October 2013, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The defendant-appellant, Brandon Ways, filed an appeal from the Superior Court's June 25, 2013 order denying his first motion for postconviction relief pursuant to Superior Court Criminal Rule 61. The plaintiff-appellee, the State of Delaware, has moved to affirm the Superior Court's judgment on the

ground that it is manifest on the face of the opening brief that the appeal is without merit.[1] We agree and affirm.

(2) The record before us reflects that, on January 23, 2013, Ways pleaded no contest to Possession of a Firearm During the Commission of a Felony, Aggravated Menacing and Reckless Endangering in the First Degree. He pleaded guilty to Tampering With a Witness and Bribing a Witness. He was sentenced to a total of 18 years of Level V incarceration, to be suspended after 4 years for 2 years of Level III probation. Ways did not file a direct appeal.

(3) In this appeal from the Superior Court's denial of his postconviction motion, Ways claims that a) the State suppressed exculpatory material in violation of *Brady v. Maryland*, 373 U.S. 83 (1963); and b) his arrest warrant was not supported by probable cause.

(4) We have reviewed the transcript of the pleas entered by Ways on January 23, 2013. The transcript reflects that, during the plea colloquy, the Superior Court judge questioned Ways concerning the nature of the charges against him and the maximum periods of incarceration on those charges. Ways confirmed that no one had threatened or coerced him to enter his pleas and that no one had promised him anything in exchange for his pleas. Ways admitted that he had actually committed the two offenses to which he pleaded guilty and, as to the other

[1] Supr. Ct. R. 25(a).

three offenses, admitted that the State had sufficient evidence to convince a jury of his guilt. The Superior Court accepted Ways' pleas as voluntarily entered. Ways derived a significant benefit by pleading guilty. His original indictment listed 28 serious criminal charges carrying the possibility of decades in prison. His current sentence requires him to spend only four years at Level V.

(5) A voluntary plea of no contest has the same effect as a plea of guilty.[2] A voluntary guilty plea constitutes a waiver of any alleged defects or errors occurring before the entry of the plea.[3] The transcript of the plea proceedings reflects clearly that Ways was fully aware of the consequences of entering his pleas and that his pleas were knowing and voluntary. Moreover, the alleged errors and/or defects of which Ways now complains occurred prior to the entry of his pleas and, therefore, were waived by Ways at the time his pleas were entered. We, therefore, conclude that the Superior Court properly denied Ways' postconviction motion on that ground.

(6) It is manifest on the face of the opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

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[2] *Betts v. State*, 983 A.2d 75, 76 (Del. 2009).
[3] *Miller v. State*, 840 A.2d 1229, 1232 (Del. 2003).

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/ Henry duPont Ridgely
Justice