IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE	)	
	)	I.D. #0508025872
v.	)	
	)	
ROBERT L. JONES,	)	
	)	
Defendant	)	
	)	

Submitted: June 6, 2006
Decided: June 23, 2006

Upon Defendant's Motion for Postconviction Relief.
SUMMARILY DISMISSED.

ORDER

Ipek K. Medford, Esquire, Deputy Attorney General, Department of Justice, Wilmington, Delaware, Attorney for the State.

Robert L. Jones, Wilmington, Delaware, *pro se*.

COOCH, J.

This 23rd day of June, 2006, upon consideration of Defendant's motion for postconviction relief, it appears to the Court that:

1. Robert L. Jones ("Defendant") was arrested on August 30, 2005, and later indicted on September 19, 2005, on the charges of Robbery First Degree, Criminal Impersonation, Resisting Arrest and Forgery Second

Degree. Then, on December 7, 2005, Defendant was arrested and later charged in another indictment (ID# 0511010166) on January 9, 2006, on the charges of Robbery First Degree and Robbery Second Degree (two counts). On the day of trial, January 31, 2006, Defendant pled guilty to the Robbery First Degree on the first indictment,[1] and was sentenced to 25 years at Level V, which was the minimum mandatory sentence under 11 *Del. C.* § 4214(a). The Plea Agreement was signed by Defendant.

2. Defendant filed this timely motion for postconviction relief pursuant to Superior Court Criminal Rule 61 on June 6, 2006. Defendant sets forth three claims in support of his motion, which are recreated here, *in toto*:

> 1. Coerced confession or guilty plea.
> I was giving [sic] what you call in between a rock and hard place [sic]. If I went to trial and was found guilty I would receive a life sentence.
>
> 2. I was incarcerated for five months before I found out who my attorney was. I didn't meet him until the weekend before I was to start trial.
>
> 3. There was always a different attorney at case review. There was know [sic] time for him and I to sit down and discuss the facts of my case. Ineffective assistance of counsel.

No further facts or any legal authorities were set forth. Upon review of Defendant's motion, it is plain that Defendant is not entitled to relief as all of the above grounds are conclusory. Thus, the motion is **SUMMARILY DISMISSED.**

[1] As part of the plea agreement, the remaining three charges on the first indictment and the three charges on the second indictment were all *nolle prossed*.

3. Superior Court Criminal Rule 61(d)(4) provides that "[i]f it plainly appears from the motion for postconviction relief and the record of prior proceedings in this case that the movant is not entitled to relief, the judge may enter an order for its summary dismissal and cause the movant to be notified." Defendant's motion for postconviction relief will be summarily dismissed where no facts supporting Defendant's contentions are offered and the claims are conclusory.[2]

4. It is plain from the motion and the record that none of Defendant's claims entitle him to relief as they are completely conclusory. First, under Delaware law, upon a claim of a coerced guilty plea, the defendant bears the burden to show that the plea was taken involuntarily or not intelligently.[3] "Upon a contention of an involuntary guilty plea, a defendant must demonstrate a manifest injustice to permit withdrawal of his guilty plea."[4]

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[2] *State v. Cooper*, 2001 WL 1729147 (Del. Super.) (summarily dismissing defendant's claims of false testimony and ineffective assistance of counsel as defendant did not offer supporting facts and the claims were conclusory). *See also Jordan v. State*, 1994 WL 466142 (Del. Supr.); *State v. Brittingham*, 1994 WL 750341, * 2 (Del. Super.) (citing *Younger v. State*, 580 A.2d at 556 (holding that conclusory allegations are legally insufficient to prove ineffective assistance of counsel)).

[3] *Sullivan v. State*, 636 A.2d 931, 937 (Del. 1994) (affirming trial court's entry and acceptance of guilty plea that was taken by defendant who understood the consequences despite his mental limitations after consulting with his counsel and family), *cert. denied*, 513 U.S. 833 (1994).

[4] *State v. Saunders*, 2004 WL 772070, * 4 (Del. Super.) (citing *Harris v. State*, 2000 WL 990921 (Del. Supr.) (holding that defendant could not withdraw guilty plea because he had not shown that trial court's failure to interrogate defendant about statutory sentence,

Defendant fails to offer any facts or any case law to support his claim that his guilty plea was the result of coercion; nor did Defendant satisfy his burden of demonstrating "manifest injustice." Second, Defendant does not set forth any facts or case law that would support what is apparently a claimed violation of Defendant's right to a speedy trial. Defendant's claim that he was incarcerated for five months post arrest and only met with counsel for the first time on the weekend before trial is unsupported by any facts cited by Defendant in the record. Finally, Defendant merely makes a blanket allegation of ineffective assistance of counsel. He does not create any factual basis or provide any legal framework for any of his claims. Thus, Defendant's claim of ineffective assistance of counsel is conclusory.[5] All three of Defendant's claims are unsupported by facts or law. It is plain on the face of the record that Defendant is not entitled to relief and, thus, Defendant's motion is **SUMMARILY DISMISSED.**

IT IS SO ORDERED.

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Richard R. Cooch, J.

oc: Prothonotary
cc: Investigative Services
Kester I. H. Crosse, Esquire

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which was incorrectly written on guilty plea form, was not manifest injustice as defendant was sentenced within the correct range).

[5] *Jordan v. State*, 1994 WL 466142 (Del. Supr.); *State v. Brittingham*, 1994 WL 750341, * 2 (Del. Super.) (citing *Younger v. State*, 580 A.2d at 556 (holding that conclusory allegations are legally insufficient to prove ineffective assistance of counsel)).