IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALVIN Y. BROOKS,	§	
	§	No. 282, 2008
Defendant Below-	§	
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	in and for New Castle County
STATE OF DELAWARE,	§	Cr. ID No. 0605017836
	§	
Plaintiff Below-	§	
Appellee.	§	

Submitted: January 30, 2009
Decided: March 9, 2009

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

O R D E R

This 9th day of March 2009, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Alvin Y. Brooks, filed an appeal from the Superior Court's May 7, 2008 order denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We find no merit to the appeal. Accordingly, we affirm.

(2) In June 2006, Brooks was indicted on two counts of Murder in the First Degree and one count each of Attempted Murder, Robbery, Burglary, Theft and various weapon offenses. The State indicated its intent to seek the death penalty. In April 2007, Brooks entered a plea of guilty to one count of Murder in

the First Degree and one count of Attempted Murder. As part of the plea agreement, the State agreed not to seek the death penalty. Brooks was sentenced to life in prison without the possibility of probation or parole. Brooks did not file a direct appeal. Instead, he filed three postconviction motions.[1]

(3) In this appeal, Brooks claims that the Superior Court abused its discretion when it denied his third postconviction motion. He contends that his guilty plea was involuntary due to the ineffective assistance of his counsel, arguing that his counsel coerced him into accepting the plea, failed to move to suppress evidence and failed to investigate his alibi defense.

(4) In order to prevail on a claim of ineffective assistance of counsel in connection with a voluntary guilty plea, a defendant must demonstrate that there is a reasonable probability that, but for his counsel's errors, he would not have pleaded guilty, but would have insisted on proceeding to trial.[2] Moreover, a voluntary guilty plea constitutes a waiver of any alleged defects arising prior to the entry of the plea.[3]

(5) The record reflects that, in his plea colloquy in the Superior Court, Brooks stated that he had read and understood both the plea agreement and the guilty plea form, that he was satisfied with his attorneys' representation, and that

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[1] The Superior Court's May 7, 2008 order denied Brooks' third postconviction motion on the ground that the issues raised had already been addressed in its March 10, 2008 order, which denied his first two postconviction motions.
[2] *Albury v. State*, 551 A.2d 53, 60 (Del. 1988).
[3] *Benge v. State*, 945 A.2d 1099, 1101 (Del. 2008).

he was entering his plea of his own free will and in his own best interest. In the absence of clear and convincing evidence to the contrary, Brooks is bound by those representations.[4] Moreover, there is no indication that, but for errors on the part of his attorneys, Brooks would not have pleaded guilty, but would have insisted on proceeding to trial. Brooks' plea agreement with the State provided him with a clear benefit. Finally, by entering a voluntary guilty plea, Brooks waived any claim of alleged error on the part of his attorneys prior to the entry of the plea. In sum, we conclude that there was no abuse of discretion on the part of the Superior Court in denying Brooks' postconviction motion and that the Superior Court's judgment should be affirmed.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

[4] *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997).