

SUPERIOR COURT
OF THE
STATE OF DELAWARE

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 North King Street, Suite 10400
Wilmington, DE 19801-3733
Telephone (302) 255-0669

August 25, 2014

Anthony A. Figliola, Jr., Esquire
Figliola & Facciolo
1813 Marsh Road, Suite A
Wilmington, DE 19810

Kevin P. Tray, Esquire
1324 King Street
Wilmington, DE 19801

Re: *State v. Vincent Stallings*
ID # 1209008698A

***Upon Defendant's Motion To Withdraw Guilty Plea –
DENIED without prejudice.***

Dear Messrs. Figliola and Tray:

This decides your August 13, 2014 motion filed at Defendant's insistence, and Defendant's August 20, 2014, *pro se* submissions. Technically, Superior Court Criminal Rule 47 frowns on the court's addressing *pro se* filings from represented defendants. But, the submissions suggest it is better not to ignore Mr. Stallings's DIY filing.

The court will only require the State to defend the June 20, 2014 guilty plea if Defendant makes a threshold showing that his motion is reasonable. As it stands, the motion is almost entirely conclusory, unhelpful, and subject to dismissal. Forcing the State to respond now would be an unproductive use of the Attorney General's time.

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I.

Counsel's motion offers two things bearing on Defendant's guilty plea. First, it mentions, in passing, that one of the several people who would have corroborated the incriminating surveillance video and other evidence against Defendant has developed a mental health problem. Defendant, however, does not explain how, even in theory, that undermines Defendant's guilty plea. Nor does it address the other evidence against Defendant, such as video tapes.

Defendant's other claim through counsel is, in toto:

[E]ven though he completed the TIS Form and answered the colloquy, that he in fact understood the rights he was giving up, he alleges that he was frightened and had insufficient time to consider the appeal and post conviction rights he was relinquishing. He adhered to the wishes of his family and the advise(sic) of counsel, not fully appreciating the relinquishment of his rights. Stalling's (sic) claims that upon returning to Prison he was able to reflect on what he had done and realized he made a grave error in pleading guilty and giving up his rights to appeal.

The court's recollection is that Defendant had considerable time to consider whether he would plead guilty. He was indicted in December 2012. Moreover, he was not a first offender, so even before he carefully reviewed the plea paperwork with counsel here and was exhaustively questioned by the court about his guilt, his satisfaction with counsel, and the plea's consequences, he was generally familiar with the guilty plea process and the rights one gives up by pleading guilty.

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If Defendant can explain what he means when he now says he was “frightened” and he had insufficient time, and if he explains why, as he now implies, he lied repeatedly to the court about his actual guilt and his satisfaction with counsel, the court will call for the State’s response. And, that might lead to an evidentiary hearing. Meanwhile, Defendant’s motion seems only to reflect buyer’s remorse.

II.

As for Mr. Stallings’s August 20, 2014 filings, they are borderline frivolous. Among other oversights, such as not providing a reason justifying the plea’s withdrawal, Defendant’s “motion” entirely ignores the extensive colloquy that led to the court’s finding the plea was knowing, voluntary, and intelligent. That included Defendant’s repeated, written and oral assurances that his plea was knowing, voluntary, and intelligent, and that he was satisfied with his lawyers. The colloquy also included Defendant’s repeated assurance that he was pleading guilty because he was “in fact” guilty.

The “motion” also reflects substantial misunderstandings about Defendant’s federal and state rights, and it misrepresents the case against him. For example, Defendant has the mistaken notion that he has an “absolute” right to withdraw his guilty plea if he changes his mind before sentencing and the State fails to show prejudice. Similarly, he seems to believe he has a right to an evidentiary hearing, on demand, without having to say what an evidentiary hearing would prove, what the evidence would be, and how the evidence would prove whatever was going to be proved. Finally, as to his filings, if Mr. Stallings attempts the interlocutory appeal he promises, the Delaware Supreme Court will set him straight about that in short order.

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III.

For the foregoing reasons, Defendant's Motion To Withdraw Guilty Plea is **DENIED** without prejudice to defense counsel's immediately ordering a transcript of the guilty plea colloquy and, within two weeks of receiving the transcript, filing a renewed motion with specific claims and the factual basis for them. Defendant may then make another filing to his liking, if he insists. If he expects to get traction, however, he will need to address the factual failings in the motion denied here.

The court will not hear reargument now by Mr. Stallings on this letter/order, and the Prothonotary **SHALL** reject any reply by him to this order. Ultimately, the court will accept one more filing by counsel and one by Defendant, as permitted above. Once the court has received those filings, it may further instruct the Prothonotary to reject others.

If Defendant makes a timely, renewed filing as discussed above, then the State **SHALL** have two weeks from Defendant's renewed filing in which to respond. If the State needs time to order transcripts from prior proceedings bearing upon a claim that Defendant did not understand his rights, the court will consider a timely request for an extension. Otherwise, if the court needs further submissions, it will call for them. The court will not decide this motion under bombardment.

IT IS SO ORDERED.

Very truly yours,

/s/ Fred S. Silverman

FSS/mes

cc: Prothonotary (Criminal)
Ipek Medford, Deputy Attorney General
Matthew Frawley, Deputy Attorney General