

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)
)
) Crim. ID. No. 2308012392
)
v.)
)
RAYMOND JACKSON)

Submitted: November 27, 2025
Decided: February 17, 2026

*Upon Raymond Jackson's
Motion for Postconviction Relief*
DENIED.

MEMORANDUM AND OPINION ORDER

Issac A. Rank, Esquire, Deputy Attorney General, DELAWARE DEPARTMENT OF JUSTICE, *Attorney for the State of Delaware*

Raymond Jackson, *Self Represented*

LUGG, J.

Raymond Jackson seeks postconviction relief under Superior Court Criminal Rule 61. Despite pleading guilty, he now contends the absence of certain evidence, and his attorney’s performance at various stages preceding his plea, warrant relief. The Court has reviewed Jackson’s motion,¹ the affidavit of Trial Counsel,² and the State’s response.³ Jackson’s motion is denied.

FACTS⁴

In August 2023, New Castle County Police Department (“NCCPD”) officers learned that Jackson was selling crack cocaine throughout New Castle County. Officers then conducted two “controlled buys” from Jackson. In each of these transactions, officers observed Jackson sell the drugs “out of the back” of his car, a blue Chevrolet Caprice. Officers also watched Jackson engage in what appeared to be “hand to hand” drug sales to other individuals from his car. Based on these observations, officers secured a warrant to search Jackson’s car.

On August 23, 2023, officers established surveillance of Jackson’s residence and vehicle. Officers again saw Jackson conduct what appeared to be a “hand to hand” drug sale from the back of his vehicle. As he walked away from the car,

¹ D.I. 15 (“Def. Mot.”).

² D.I. 22 (“Trial Counsel Aff.”).

³ D.I. 21 (“State Resp.”).

⁴ D.I. 1. Because Jackson pled guilty, the Court draws facts from the affidavit of probable cause supporting his arrest.

officers took Jackson into custody and secured the blue bag he was carrying. Officers searched Jackson and his bag. Within the bag, officers found: marijuana, amphetamine, and oxycodone; on Jackson's person, officers found a functioning digital scale and Jackson's identification card.

Officers then transported Jackson and the blue Chevrolet Caprice to New Castle County Police Headquarters. There, they executed the search warrant and, within a bucket in the trunk of Jackson's car, found: a loaded Ruger SR 22 handgun with an obliterated serial number, a loaded Taurus G3 9x19 handgun with an extended magazine, a loaded handgun magazine, an unlabeled pill bottle containing 80 doses of Alprazolam, and a box of business cards for "Raymond Jackson Floor Care Technician" imprinted with Jackson's telephone number. Also within the trunk of the vehicle, officers found: an unlabeled pill bottle containing 20 doses of Alprazolam, an individually packaged single dose of Amphetamine in a shoe, a clear tub containing crack cocaine, a Pyrex measuring cup with cocaine remnants, a handgun light, a box of clear plastic sandwich bags, a firearm shoulder holster, and four packages of marijuana. Investigators provided Jackson *Miranda* warnings before he admitted to selling the illegal narcotics and that the firearms belonged to him.

PROCEDURAL BACKGROUND

On January 2, 2024, a New Castle County grand jury returned an indictment charging Jackson with two counts of Possession, Purchase, Ownership, or Control of a Firearm by a Person Prohibited (“PFBPP”); one count of Drug Dealing; two counts of Possession of a Firearm During the Commission of a Felony (“PFDCF”); two counts of Carrying a Concealed Deadly Weapon (“CCDW”); and one count of Possession of a Weapon with a Removed, Obliterated or Altered Serial Number.⁵ On April 15, 2024, Jackson pled guilty to PFBPP, and the State dropped all remaining charges.⁶ After accepting Jackson’s plea, upon the parties’ joint recommendation, the Court sentenced Jackson to 15 years of Level V incarceration, suspended after 10 years for 18 months of Level III probation.⁷ Jackson did not appeal his sentence or conviction.

On March 26, 2025, Jackson, acting *pro se*, filed a Motion for Postconviction Relief.⁸ After receiving counsel’s affidavit, the Court permitted Jackson the opportunity to file a Memorandum of Law in support of his postconviction motion by July 25, 2025.⁹ Jackson did not file a memorandum. The State responded to

⁵ D.I. 5.

⁶ D.I. 11 (“Plea Agreement” and “Truth-In-Sentencing Guilty Plea Form”).

⁷ D.I. 12.

⁸ Def. Mot.

⁹ D.I. 20.

Jackson’s motion on October 13, 2025.¹⁰ The Court’s scheduling order permitted Jackson to reply to the State’s response within 45 days of its filing;¹¹ Jackson did not reply.¹²

In his motion, Jackson asserts three claims of ineffective assistance of counsel. First, he contends his Trial Counsel and the prosecutor coerced him into pleading guilty by telling him “that if [he] didn’t take the ‘10 year’ plea then [he] would surely receive ‘86 years’ at trial.”¹³ Second, he argues his Trial Counsel “didn’t work to the best of his ability” and did not have Jackson’s “best interest at heart.”¹⁴ And third, he posited that Trial Counsel failed to seek dismissal of his case when the State failed to obtain an indictment within forty-five days of his arrest.¹⁵ Finally, Jackson contends, without additional context, that there was “no DNA evidence on the firearm found.”¹⁶

¹⁰ State Resp.

¹¹ D.I. 20.

¹² Because Jackson’s reply was due within 45 days of the filing of the State’s response, or November 27, 2025, the Court considers this matter under submission as of that date.

¹³ Def. Mot. at 3.

¹⁴ Def. Mot. at 3.

¹⁵ Def. Mot. at 4.

¹⁶ Def. Mot. at 3.

ANALYSIS

“Superior Court Criminal Rule 61 provides the exclusive remedy for setting aside a final judgment of conviction.”¹⁷ The Rule is “intended to correct errors in the trial process, not to allow defendants unlimited opportunities to relitigate their convictions.”¹⁸ Rule 61 provides incarcerated individuals a procedure to seek to have a conviction set aside on the ground that the Court lacked jurisdiction or to collaterally attack their conviction.¹⁹ Before addressing any substantive issues this Court must first consider and apply Rule 61’s procedural bars. The rule prohibits the Court from considering a motion that is: (1) untimely (filed more than one year after the judgment of conviction is final);²⁰ (2) repetitive;²¹ (3) procedurally defaulted;²² or (4) formerly adjudicated.²³ “Absent extraordinary circumstances, an ineffective-assistance-of-counsel claim cannot be asserted leading to a judgment of conviction.”²⁴ Jackson’s ineffective assistance of counsel claims are not procedurally barred and will be considered on their merits. Jackson’s assertion that

¹⁷ *Jackson v. State*, 2007 WL 2231072, at *1 (Del. Aug. 2, 2007).

¹⁸ *Ploof v. State*, 75 A.3d 811, 820 (Del. 2013).

¹⁹ Super. Ct. Crim. R. 61(a)(1).

²⁰ Super. Ct. Crim. R. 61(i)(1).

²¹ Super. Ct. Crim. R. 61(i)(2).

²² Super. Ct. Crim. R. 61(i)(3).

²³ Super. Ct. Crim. R. 61(i)(4).

²⁴ *Kellam v. State*, 341 A.3d 475, 489 (Del. 2025).

there was no DNA found on the firearm is procedurally defaulted and therefore barred.

Procedural Default

Rule 61 prohibits the filing of “any ground for relief that was not asserted in a prior postconviction proceedings leading to the judgment of conviction . . . unless the movant shows (A) cause for relief from the procedural default, or (B) prejudice from a violation of the movant’s rights.”²⁵ The absence of DNA on the firearm was not asserted prior to Jackson’s judgment of conviction. While not framed as an ineffective assistance of counsel claim, Jackson’s Trial Counsel aptly notes that the absence of DNA on the firearm would not be helpful as Jackson offered a *Mirandized* confession.²⁶ In light of Jackson’s admission, coupled with the abundance of evidence found in Jackson’s possession at the time of his arrest, the existence of DNA on a firearm was of minimal, if any significance. The direct and circumstantial evidence against Jackson was overwhelming. Thus, Jackson knowingly, intentionally, and voluntarily elected to plead guilty;²⁷ “a defendant who enters a

²⁵ Super. Ct. Crim. R. 61(i)(3).

²⁶ See D.I. 22 ¶ 4.

²⁷ Truth-In-Sentencing Guilty Plea Form.

knowing, intelligent, and voluntary guilty plea waives his right to challenge errors occurring before the entry of the plea.”²⁸

Jackson’s attempt to raise the absence of DNA evidence as a “freestanding claim of trial error” is procedurally barred under Rule 61(i)(3) if it was not raised at trial or on direct appeal.²⁹ It was not; and Jackson has not demonstrated cause for relief from his procedural default nor prejudice from an alleged violation of his rights. “To establish cause, the movant must demonstrate that an external impediment prevented him from raising the claim earlier. To establish prejudice, the movant must show actual prejudice resulting from the alleged error.”³⁰ Jackson does neither; therefore, his challenge to the absence of DNA evidence is procedurally defaulted and barred, without exception.

Ineffective Assistance of Counsel

To succeed on an ineffective assistance of counsel claim, Jackson must meet the two-prong test established by *Strickland v. Washington*.³¹ Under *Strickland*, a defendant must show (1) “that counsel’s representation fell below an objective

²⁸ *Dollard v. State*, 2020 WL 2393353, at *2 (Del. May 11, 2020) (citing *Miller v. State*, 840 A.2d 1229, 1232 (Del. 2003)).

²⁹ *See State v. Thomas*, 2024 WL 5117117, at *5 (Del. Super. Ct. Dec. 16, 2024).

³⁰ *Ruffin v. State*, 2019 WL 719038, at *2 (Del. Feb. 19, 2019) (citing *Younger v. State*, 580 A.2d 553, 556 (Del. 1990)).

³¹ 466 U.S. 668, 687 (1984).

standard of reasonableness;”³² and (2) “that there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.”³³ “A reasonable probability is a probability sufficient to undermine confidence in the outcome.”³⁴

The Court may dispose of an ineffective assistance of counsel claim if the defendant fails to show a reasonable probability of a different result but for counsel’s alleged errors.³⁵ “[A]ctual ineffectiveness claims alleging a deficiency in attorney performance are subject to a general requirement that the defendant affirmatively prove prejudice.”³⁶ A defendant must allege prejudice and then substantiate that allegation.³⁷ Because a defendant must prove both parts of an ineffective assistance of counsel claim, a failure to establish sufficient prejudice alone is enough to defeat an ineffective assistance of counsel allegation. “It is not enough ‘to show that the errors had some conceivable effect on the outcome of the proceeding.’”³⁸ The “court must consider the ‘totality of the evidence,’ and ‘must ask if the [movant] has met

³² *Id.* at 688.

³³ *Id.* at 694.

³⁴ *Id.*

³⁵ *Id.* at 697.

³⁶ *Id.* at 693.

³⁷ *Dawson v. State*, 673 A.2d 1186, 1196 (Del. 1996).

³⁸ *Harrington v. Richter*, 562 U.S. 86, 104 (2011) (quoting *Strickland*, 466 U.S. at 693).

the burden of showing that the decision reached would reasonably likely have been different absent the errors.”³⁹

An ineffective assistance of counsel claim is a question of whether trial counsel’s actions were adequate.⁴⁰ A review of counsel’s representation is subject to a strong presumption that counsel’s conduct was professionally reasonable.⁴¹ As such, mere allegations will not suffice; instead, a defendant must make concrete allegations of ineffective assistance, and then substantiate them, or risk summary dismissal.⁴²

Jackson’s Ineffective Assistance of Counsel Claims

1. Trial Counsel did not coerce Jackson into accepting a plea.

Jackson alleges his Trial Counsel and the prosecutor coerced him into accepting a plea by telling him that if he did not accept the plea offered (recommending a ten-year sentence), he “would surely receive 86 years at trial.”⁴³ Trial Counsel asserts that he explained the strength of the State’s evidence to Jackson, including his admission “to selling drugs and possessing the firearm.”⁴⁴

³⁹ *State v. Reyes*, 155 A.3d 331, 343 (Del. 2017) (citing *Swan v. State*, 28 A.3d 362, 384 (Del. 2011) (quoting *Strickland*, 466 U.S. at 695-96)).

⁴⁰ *State v. Wright*, 2023 WL 2128338, at *3 (Del. Super. Ct. Feb. 21, 2023).

⁴¹ *Id.*

⁴² *Younger*, 580 A.2d at 556.

⁴³ Def. Mot. at 3.

⁴⁴ Trial Counsel Aff. ¶ 2.

Further, Trial Counsel informed Jackson that based on his existing criminal history, if convicted at trial, he would be eligible for sentencing as a habitual offender and face a potential ninety-six year minimum mandatory sentence.⁴⁵ Trial Counsel explained that Jackson’s decision to plead guilty “constituted Jackson’s sober view of his legal predicament,”⁴⁶ and, in open court, Jackson denied that anyone threatened or forced him to accept the guilty plea.

On April 15, 2024, Jackson engaged in a plea colloquy in which he indicated to the Court that he “freely and voluntarily decided to plead guilty to the charges listed in [his] written plea agreement” and that he was not forced by his “lawyer, the State, or anyone” to enter his plea.⁴⁷ “In the absence of clear and convincing evidence to the contrary, [a defendant] is bound by his answers on the Truth-in-Sentencing Guilty Plea form” and by his statements given during the plea colloquy.”⁴⁸ “[T]he United States Supreme Court has determined that a defendant’s decision to plead guilty as a means to avoid additional prison time does not amount to ‘coercion.’”⁴⁹ Trial Counsel and the State, “truthfully telling [Jackson] that he

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Truth-in-Sentencing Guilty Plea Form.

⁴⁸ *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997).

⁴⁹ *Edwards v. State*, 2007 WL 4374237, at *1 (Del. Dec. 17, 2007) (citing *Brady v. United States*, 397 U.S. 742, 751-52 (1970)).

was looking at significantly more time if convicted of his charges” does not amount to coercion.⁵⁰ Jackson’s plea colloquy reveals that he freely and voluntarily decided to plead guilty *without* threat or coercion. Trial Counsel’s frank explanation of Jackson’s legal predicament was professionally reasonable and does not amount to ineffective assistance.

2. Trial Counsel’s representation was professionally reasonable.

Jackson alleges, despite paying “close to \$10,000” his Trial Counsel did not work to the best of his ability or have Jackson’s best interests at heart.⁵¹ In response, Trial Counsel states that “[t]rial would have been a kamikaze mission with no discernable upside.”⁵² Thus, Trial Counsel worked “to find some weakness in the case to leverage for the benefit of Jackson.”⁵³ And Counsel “gathered and provided mitigation to the State in the hopes that the State would extend mercy to Jackson below the 10 year plea,”⁵⁴ but the State remained steadfast in its offer of ten years.⁵⁵

Jackson has failed to allege, let alone show a reasonable degree of probability, that but for Trial Counsel’s alleged ineffectiveness, he would not have entered the

⁵⁰ See *State v. Starr*, 2014 WL 6673914, at *5 (Del. Super. Ct. Oct. 29, 2014).

⁵¹ Def. Mot. at 3.

⁵² Trial Counsel Aff. ¶ 3.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

plea.⁵⁶ This Court must focus on whether Trial Counsel’s actions were objectively reasonable, not whether Jackson subjectively believed Counsel had his best interest at heart.⁵⁷ Trial Counsel convinced the State to extend a plea recommending a sentence substantially less than what Jackson faced if convicted at trial.⁵⁸ Jackson chose to accept that offer.

To be sure, “Defendants have no legal entitlement to a plea bargain.”⁵⁹ “Plea bargaining flows from the ‘mutuality of advantage’ to defendants and prosecutors each with his own reasons for wanting to avoid trial.”⁶⁰ Counsel is not ineffective for failing to compel the State to extend what, in Jackson’s view, is a better a plea offer. And, of course, Jackson was under no obligation to accept any offer extended by the State. But, recognizing the overwhelming evidence against him, Jackson elected to plead guilty. Counsel’s efforts to mitigate the consequences of Jackson’s election reflect objectively reasonable strategy.

⁵⁶ *Foote v. State*, 2012 WL 562791, at *1 (Del. Feb. 21, 2012) (citing *Albury v. State*, 551 A.2d 53, 60 (Del. 1988)) (“In order to prevail on a claim of ineffective assistance of counsel in connection with a guilty plea, the defendant must demonstrate a reasonable probability that, but for his counsel’s unprofessional errors, he would not have pleaded guilty but would have insisted on proceeding to trial.”).

⁵⁷ *Strickland*, 466 U.S. at 688.

⁵⁸ D.I. 12.

⁵⁹ *Washington v. State*, 844 A.2d 293, 296 (Del. 2004) (citations omitted).

⁶⁰ *Bordenkircher v. Hayes*, 434 U.S. 357, 363 (1978) (citing *Brady*, 397 U.S. at 752).

3. Trial Counsel was not ineffective in his unsuccessful effort to seek a dismissal of Jackson’s case based on a delayed indictment.

Jackson alleges that Trial Counsel failed to move to dismiss the case when the State failed to indict him – Jackson – within forty-five days of his arrest.⁶¹ Trial Counsel contends that he was not retained, and did not enter his appearance in this case, until December 5, 2023.⁶² “That same day, in light of the passage of time since the date of arrest, counsel filed a Motion to Dismiss.”⁶³ Counsel acknowledged, “[i]t is highly unlikely that the court would grant the motion the first time it is heard after just three months of pretrial detention.”⁶⁴

Jackson was arrested on August 23, 2023,⁶⁵ and indicted on January 2, 2024.⁶⁶ One-hundred and thirty-two days elapsed between Jackson’s arrest and his indictment;⁶⁷ this “delay” does not amount to a speedy trial violation.⁶⁸ Nonetheless, Jackson ignores his Trial Counsel’s motion to dismiss for lack of indictment on

⁶¹ Def. Mot. at 4.

⁶² Trial Counsel Aff. ¶ 5; D.I. 3.

⁶³ Trial Counsel Aff. ¶ 5.

⁶⁴ *Id.*

⁶⁵ D.I. 1.

⁶⁶ D.I. 5.

⁶⁷ *See* D.I. 1; *see also* D.I. 5.

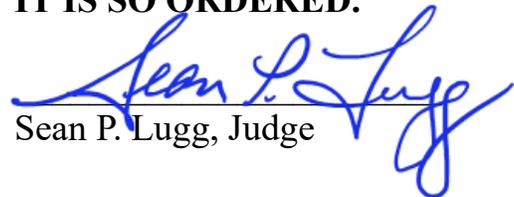
⁶⁸ *Dabney v. State*, 953 A.2d 159, 165 (Del. 2008).

December 5, 2023.⁶⁹ Recognizing the futility of the motion, counsel withdrew the request on December 18, 2023,⁷⁰ after the State filed its discovery response.⁷¹ In any event, Jackson chose to plead guilty, waiving his claim to any alleged errors occurring before his plea.⁷² Jackson's final claim that Trial Counsel provided ineffective assistance of counsel is without merit.

CONCLUSION

Trial Counsel provided Jackson constitutionally effective assistance of counsel. Trial Counsel, as he must, informed Jackson of the potential sentence he faced if found guilty at trial; he did not force or coerce Jackson to enter the plea. Trial Counsel's objectively reasonable and diligent investigation of Jackson's case and preparation of mitigation material yielded a favorable plea for Jackson. And, because Jackson's plea forestalls any challenges to the events that preceded it, the Court finds Trial Counsel was not ineffective, and Jackson suffered no prejudice. Jackson's Motion for Postconviction Relief is **DENIED**.

IT IS SO ORDERED.


Sean P. Lugg, Judge

⁶⁹ D.I. 4.

⁷⁰ D.I. 14.

⁷¹ *Id.*

⁷² *Dollard*, 2020 WL 2393353, at *2 (citing *Miller*, 840 A.2d at 1232).