IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE	)	
	)	
v.	)	**ID No. 2204007572**
	)	
DEMARIUS BRADLEY,	)	
	)	
Defendant.	)	

SUBMITTED: June 1, 2026
DECIDED: July 9, 2026

ORDER
Upon Consideration of Defendant's Rule 61
Motion for Postconviction Relief

DENIED

Upon Consideration of Counsel's Motion to Withdraw

GRANTED

On January 10, 2025, Demarius Bradley ("Bradley") filed the instant Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61 ("Rule 61 Motion"). After reviewing the record, postconviction counsel filed a Motion to Withdraw on June 1, 2026. This is the Court's decision on the matter.

I. BACKGROUND AND PROCEDURAL HISTORY

On April 14, 2022, at approximately 1:45 p.m., Wilmington Police Officers observed a gray Honda Pilot stop in the middle of the street on the 700 block of West

7th Street.[1] The front door of the Honda opened, and several gunshots were fired at a vehicle containing multiple individuals parked on the southeast corner of West 7th and North Monroe streets.[2] After the gunshots, the Honda fled the scene, and the officers pursued.[3] At the intersection of West 12th and North Adams Streets, the Honda stopped, and multiple suspects fled the vehicle.[4] The person observed to be exiting from the driver's seat was "a black male wearing a black in color sweatshirt, black in color pants and black sneakers."[5] The subject fled down an alleyway between 802 Delaware Avenue and 1108 North Adams Street.[6] Officers lost sight of the suspect, but a bystander directed officers to the rear cargo area of a pickup truck where Defendant Demarius Bradley was found and taken into custody.[7] At that time, Bradley was wearing a black t-shirt, black pants, white socks, and no shoes.[8]

Officers then searched the alleyway down which the suspect fled and recovered a black sweatshirt, black New Balance sneakers, and an "[o]live in color Taurus 9mm handgun."[9] Officers observed that "the right foot sneaker was found to be impaled on a wrought iron fence post," and Bradley was "limping and

[1] Appendix to Motion to Withdraw ("A"), at 6, ¶3.
[2] A6, at ¶3.
[3] A6, at ¶4.
[4] A6-7, at ¶4.
[5] A7, at ¶6.
[6] A7, at ¶6.
[7] A7, at ¶6.
[8] A7, at ¶6.
[9] A7, at ¶7.

complaining of an [injury] to his right foot" when taken into custody.[10] A DELJIS inquiry indicated that Bradley had been previously convicted of Possession With Intent to Deliver a Controlled Substance in New Castle County (Case No. 1809015174), thus making him a person prohibited from owning or possessing a handgun.[11]

The Police were advised that two victims of the 7th and Monroe shooting had been taken to Wilmington Hospital.[12] They suffered multiple gunshot wounds and were in "critical but stable" condition.[13] Officers also secured and searched the Honda Pilot.[14] Shell casings appeared within the car in clear view, and two of the windows were shattered.[15]

On May 9, 2022, the State filed an Indictment against Bradley in the Superior Court.[16] The indictment listed ten charges against Bradley: 1) Attempted Murder First Degree (as to victim Corey Fason); 2) Attempted Murder First Degree (as to victim Jamil Bailey; 3) Attempted Murder First Degree (as to victim Ryan Evans, Jr.); 4) Conspiracy First Degree (with co-defendant Ernest Hill); 5) Possession of a Firearm By a Person Prohibited (PFBPP); 6) Possession of a Firearm During the Commission of a Felony (PFDCF); 7) Carrying a Concealed Deadly Weapon; 8)

[10] A7, at ¶7.
[11] A7, at ¶8.
[12] A7, at ¶9.
[13] A7, at ¶9.
[14] A8, at ¶11.
[15] A8, at ¶11.
[16] A11, 291.

Resisting Arrest; 9) Possession of Ammunition By a Person Prohibited (PABPP); and 10) Tampering with Physical Evidence.[17]

On November 23, 2022, Bradley moved to sever the trial of the PFBPP and PABPP counts.[18] The State did not oppose the motion, and it was granted. On January 26, 2023, the State filed a motion to disclose non-discoverable information, such as police reports and witness identifying information.[19] That motion was also granted, and the State sent the redacted police reports to counsel.[20] The matter was scheduled for Trial in February 2024.[21]

On August 11, 2023, the State sent a proposed plea agreement to defense counsel.[22] The plea offered the State to enter a nolle prosequi on the remaining charges if Bradley pled guilty to Count 6 (PFBPP) and Count 8 (PFDCF).[23] Bradley signed the plea agreement with the previously stated terms on January 12, 2024, during a Plea Colloquy with the court.[24] The State agreed to recommend the minimum mandatory Level V sentence for each charge.[25] Thus, the recommendation was five years at Level V for the PFDCF charge and ten years at Level V for the PFBPP charge, for a total recommendation of fifteen years at Level

[17] A11-18.
[18] A292, Docket Item 8.
[19] A293, Docket item 13
[20] *See* A20-229.
[21] A294.
[22] A231.
[23] A231.
[24] A233, 237-57, 295.
[25] A254-55.

V.[26] Bradley also signed the "Truth in Sentencing Guilty Plea Form," which indicated the minimum mandatory sentences for the two charges he plead to and memorialized that he was knowingly, intelligently, and voluntarily entering into the plea agreement.[27]

Following the recommendation of the State, the Court sentenced Bradley to the minimum mandatory of fifteen years at Level V incarceration.[28] Bradley moved for a sentence reduction on January 22, 2024, and May 18, 2024, but the Court denied those requests.[29]

On January 10, 2025, Bradley filed the instant Rule 61 Motion as a *pro se* defendant.[30] In totality, Defendant maintains that he received ineffective assistance of counsel.[31] Bradley contends "Counsel's pretrial and plea stage representation fell well below Sixth Amendment standards."[32] He provides four arguments as to why counsel's assistance was ineffective: 1) failure to investigate and prepare for trial; 2) failure to give adequate legal advice leading to a questionable plea; 3) coercion of plea; and 4) counsel's personal belief in Bradley's guilt.[33] On June 1, 2026,

[26] A233.
[27] A235, 239-46.
[28] A255-56.
[29] A264-67, 295-96.
[30] Defendant's Motion for Postconviction Relief ("Rule 61 Motion"); A278-290.
[31] Rule 61 Motion, at 3; A281.
[32] Rule 61 Motion, at 4; A282.
[33] Rule 61 Motion, at 3; A281.

Postconviction Counsel reviewed the record and submitted a Motion to Withdrawal as he could not substantiate Defendant's claims.[34]

II. PROCEDURAL BARS UNDER RULE 61(i)

Before the substantive arguments of a Rule 61 Motion can be addressed, the Court must first ensure the Motion passes all procedural bars.[35] The Court does not need to consider the merits of claims that do not surpass all procedural bars.[36] There are four procedural bars laid out in Rule 61(i): 1) the one-year time limitation bar; 2) the successive motions bar; 3) the procedural default bar; and 4) the former adjudication bar.[37] Ineffective assistance of counsel claims generally are not procedurally barred if they were not asserted in proceedings leading to conviction.[38] However, if petitioner cannot sufficiently show counsel's performance amounted to ineffective assistance of counsel, then there is no cause for relief from the procedural bar.[39] When that is the case, petitioner cannot surpass this procedural bar solely on the basis that these claims could not be brought in prior proceedings.[40]

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[34] Postconviction Counsel's Motion to Withdraw.
[35] *State v. Appiah*, 2023 WL 5608927 (Del. Super. Ct. Aug. 28, 2023) (citing *Younger v. State*, 580 A.2d 552, 554 (Del. 1990)).
[36] *Younger*, 580 A.2d at 552.
[37] Del. Super. Ct. Crim. R. 61(i)(1)-(4) *State v. Peters*, 283 A.3d 668, 680 (Del. Super. Ct., 2022), *aff'd*, 299 A.3d 1 (Del. 2023) ("The Rule 61 procedural bars are 'timeliness, repetitiveness, procedural default, and former adjudication.'"); *State v. Guess*, 2014 WL 3510017, at *2, n. 8 (Del. Super. Ct., July 15, 2014), *aff'd*, 105 A.3d 989 (Del. 2014).
[38] *Green v. State*, 238 A.3d 160, 175 (Del. 2020); *State v. Bartell*, 2023 WL 7905368 (Del. Super Ct., Nov. 16, 2023); *see McGriff v. State*, 2024 WL 3770733, at *2 (Del. August 12, 2024) ("[t]he procedural bars of Rule 61 do not bar a timely claim of ineffective assistance of counsel."); *see* Super. Ct. Crim. R. 61(i)(3).
[39] *Shelton v. State*, 744 A.2d 465, 475 (Del. 2000).
[40] *Id.*

Bradley has timely filed his first Rule 61 Motion - the Plea was entered into on January 12, 2024, and the Motion was filed January 10, 2025.[41] Accordingly, the first bar does not apply. This is Bradley's first Rule 61 motion, so the second bar does not apply either.[42] There has been no previous proceeding or appeal associated with this motion, so the third bar does not apply.[43] Finally, Bradley's claims have not been formerly adjudicated and, thus, the fourth bar also does not apply.[44]

III. ***STRICKLAND*** **STANDARD FOR INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS**

In *Strickland v. Washington*, the United States Supreme Court established the standard for an ineffective assistance of counsel claim brought by a criminal defendant.[45] The standard is a two-prong test requiring both prongs be met before a judgment is set aside.[46] The *Strickland* Court emphasizes the importance of the reviewing court's responsibility to make an ineffective assistance determination without "the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time."[47]

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[41] *Sawyer*, 339 A.3d 1227; *see* Del. Super. Ct. Crim. R. 61(i)(1)-(2).
[42] *See* Del. Super. Ct. Crim. R. 61(i)(2).
[43] *See* Del. Super. Ct. Crim. R. 61(i)(3).
[44] *See* Del. Super. Ct. Crim. R. 61(i)(4).
[45] *Strickland v. Washington*, 466 U.S. 668, 687 (1984).
[46] *Id.* at 689.
[47] *Id.*

The first prong, or the performance prong, asks whether counsel's representation was deficient in failing to meet an objective standard of reasonableness.[48] This is a stringent burden for the movant to overcome because there is a "strong presumption that counsel's conduct falls within a wide range of reasonable professional assistance."[49] The objective standard utilized in this prong considers "prevailing professional norms" in determining the reasonableness of counsel's actions.[50]

The second prong, or the prejudice prong, determines whether deficiencies in counsel's representation caused the defendant substantial prejudice.[51] Under this prong, the defendant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different."[52] The potential of a different outcome "must be substantial, not just conceivable."[53] A reasonable probability is a probability "sufficient to undermine confidence in the outcome" of the proceeding.[54]

The movant must prove both prongs – deficient attorney performance and resulting prejudice – to make a proper ineffective assistance of counsel claim.[55]

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[48] *Id.*
[49] *Id.* at 689.
[50] *Neal v. State*, 80 A.3d 935, 941 (citing *Strickland*, 466 U.S. at 689).
[51] *Strickland*, 466 U.S. at 687.
[52] *Id.* at 694.
[53] *Neal*, 80 A.3d at 942 (quoting *Harrington v. Richter*, 562 U.S. 86, 112 (2011)).
[54] *Id.*
[55] *State v. Thomas*, 2024 WL 5117117, at *6 (Del. Super., Dec. 16, 2024).

Therefore, "failure in the first instance to prove either will doom [the movant's] claim, and the Court need not address the other."[56]

When dealing with cases involving pleas, *Strickland* places similar burdens on the defendant:

> In the context of a guilty plea challenge, *Strickland* requires a defendant to show that: (1) counsel's representation fell below an objective standard of reasonableness; and (2) counsel's actions were so prejudicial that there is a reasonable probability that, but for counsel's errors, the defendant would not have pleaded guilty and would have insisted on going to trial.[57]

Furthermore, defendants are bound by the representations they made during their plea colloquies unless there is clear and convincing evidence to the contrary.[58] "A voluntary guilty plea constitutes a waiver of any alleged defects or errors occurring before the entry of the plea."[59]

IV. ANALYSIS

As to Bradley's first claim that counsel failed to investigate his case, the transcript of Defendant's plea colloquy undermines this argument. At the colloquy, Bradley agreed that he was "satisfied [counsel]'s done everything he could for

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[56] *Id.* at *7 (citing *Strickland*, 466 U.S. at 697; *Ploof v. State*, 75 A.3d 811, 825 (Del. 2013) ("*Strickland* is a two-pronged test, and there is no need to examine whether an attorney performed deficiently if the deficiency did not prejudice the defendant.").

[57] *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997) (quoting *Albury v. State*, 551 A.2d 53, 58, 60 (Del. 1988)) (internal citations omitted) (internal quotation marks omitted); *see also Hill v. Lockhart*, 474 U.S. 52, 58 (1985).

[58] *Hammons v. State*, 2005 WL 2414271, at *1-2 (Del. 2005) (citing *Somerville v. State*, 703 A.2d 629, at 632 (Del. 1997)).

[59] *Ways v. State*, 2013 WL 5569198, at *1 (Del. 2013) (citing *Miller v. State*, 840 A.2d 1229, 1232 (Del. 2003)).

[Defendant] under the circumstances."[60] Under Delaware law, defendants are bound by their statements at a plea colloquy absent clear and convincing evidence to the contrary. Bradley has failed to produce such evidence, and, thus, he is bound by this assertion.

Bradley's fourth argument fails for similar reasons. That claim stated counsel's personal belief that Defendant was guilty rendered them biased and unable to adequately represent Bradley.[61] Again, the aforementioned statement at the plea colloquy subverts this claim. Defendant has produced no affirmative evidence of his claim that counsel was biased and failed to represent him adequately. Bradley is, therefore, bound to his colloquy statement that, in his belief, counsel did "everything he could for [Defendant]."[62]

As to Bradley's second argument that counsel failed to give adequate legal advice leading to a questionable plea, it must not be forgotten that Defendant was facing ten charges, including three for attempted murder. These charges carried substantial minimum mandatory for an excess of what Defendant received as a result of his plea. Furthermore, the acts leading to these charges were witnessed by multiple police officers. Despite this, Bradley was able to secure a plea for only two weapons charges. Given the mountain of evidence against Bradley and the charges

[60] A241.
[61] Rule 61 Motion, at 5; A283.
[62] A241.

he faced, obtaining and accepting a plea offer of this nature can hardly be said to be the result of inadequate legal advice. Additionally, at his plea colloquy Defendant affirmed that counsel reviewed the plea with him,[63] discussed the pros and cons of accepting the plea agreement,[64] and counsel answered any questions he had in relation to the plea.[65] Accordingly, this claim also fails.

As to Bradley's third assertion that he was coerced to take the plea, there is no evidence to support that claim. Although Defendant may have felt pressured to take the plea because trial was a month away and there was substantial evidence against him, there is no indication in the record that counsel or an outside party coerced Bradley to take the deal. In fact, his testimony at the plea colloquy undercuts this argument. There, Defendant specifically agreed that no one had "promised him anything" for accepting the plea, no one "threatened or forced [Bradley] into entering" the plea, and he entered it knowingly and voluntarily.[66] Again, absent clear and convincing evidence to the contrary, Defendant is bound by these statements. Bradley has failed to point to any such evidence.

It is unclear whether Bradley is trying to assert that he is factually innocent. His third argument states, "[c]learly where no evidence connects client to case, counsel's open unwillingness to investigate could be key element to coercion of

[63] A242.
[64] A240.
[65] A240, 242.
[66] A245.

plea."[67] If that is the case, Bradley's circumstances are akin to those in *Hammons v. State*.[68] There, the defendant entered into a plea "that resulted in the dismissal of a number of serious felonies that could have resulted in a life sentence."[69] However, the defendant later argued that he was factually innocent and was coerced to take the plea by his counsel.[70] The Delaware Supreme Court ultimately held that this argument lacked merit because the defendant voluntarily entered into the guilty plea after conducting a risk assessment of the case, and because he was "bound by the representations he made during his plea colloquy."[71] Finding otherwise here would be contrary to established Delaware caselaw. For these reasons, this argument holds no merit.

V. CONCLUSION

For the above stated reasons, Defendant's Rule 61 Motion for postconviction relief is hereby **DENIED**, and Postconviction Counsel's Motion to Withdraw is **GRANTED**.

IT IS SO ORDERED.

/s/ *Francis J. Jones, Jr.*
Francis J. Jones, Jr., Judge

cc: Original to Prothonotary

[67] Rule 61 Motion, at 4; A282.
[68] *Hammons v. State*, 2005 WL 2414271 (Del. 2005).
[69] *Id.* at *2.
[70] *Id.*
[71] *Id.*