

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LINWOOD SAMPLE,	§
	§
Defendant Below,	§ No. 3, 2026
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 2407015731(N)
	§
Appellee.	§

Submitted: July 10, 2026
Decided: August 19, 2026

Before **SEITZ**, Chief Justice; **TRAYNOR** and **GRIFFITHS**, Justices.

ORDER

(1) The appellant, Linwood Sample, has appealed the Superior Court’s denial of his motion for postconviction relief under Superior Court Criminal Rule 61. After careful consideration of the record and the parties’ briefs, we affirm the Superior Court’s judgment.

(2) On December 23, 2024, Sample pleaded guilty to driving a vehicle while under the influence of alcohol (“DUI”), as a seventh offense. The plea agreement, immediate sentencing form, truth-in-sentencing guilty plea form, and transcript of the plea colloquy reflect that Sample agreed that he had five prior Delaware DUI convictions and one prior out-of-state DUI conviction; the 2024 guilty plea was to DUI as a seventh offense, a class C felony; and he was subject to

a minimum-mandatory sentence of two and a half years of imprisonment.¹ Sample and the State agreed to recommend a sentence of ten years of imprisonment, suspended after two and a half years, and the Superior Court imposed the recommended sentence. Sample did not appeal.

(3) Sample filed a timely postconviction motion. He asserted that he had only five, not six, prior DUI convictions because the first offense—a New York conviction in 1996—predated the second DUI offense by more than ten years and had not previously been used as a predicate DUI offense. In a supplemental reply brief, he also argued that the New York conviction was not his, because there was a three-day discrepancy between the defendant’s birthdate on the New York court records and Sample’s birthdate. Sample argued that his counsel was ineffective for allowing the New York conviction to be used as a prior DUI offense and that its use violated his due process rights. The Superior Court denied the motion, and Sample has appealed to this Court.

¹ See 21 Del. C. § 4177(d)(7) (providing that a person convicted “[f]or a seventh offense occurring any time after 6 prior offenses, or for any subsequent offense, [shall] be guilty of a class C felony, be fined not more than \$15,000 and imprisoned not less than 5 years nor greater than 15 years”); *id.* at § 4177(d)(8) (“For the fifth, sixth, seventh offense or greater, the provisions of § 4205(b) or § 4217 of Title 11 or any other statute to the contrary notwithstanding, at least 1/2 of any minimum sentence shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. The sentencing court may suspend up to 1/2 of any minimum sentence set forth in this section provided, however, that any portion of a sentence suspended pursuant to this paragraph shall include participation in both a drug and alcohol abstinence program and a drug and alcohol treatment program as set forth in paragraph (d)(9) of this section.”).

(4) This Court reviews the Superior Court’s denial of a motion for postconviction relief for abuse of discretion.² We review legal or constitutional questions, including claims of ineffective assistance of counsel, *de novo*.³ The Court considers the procedural requirements of Rule 61 before addressing substantive issues.⁴ Ineffective-assistance claims raised in a timely first postconviction proceeding generally are not procedurally barred.⁵

(5) Under the “well-worn standards”⁶ articulated in *Strickland v. Washington*, to prevail on a claim of ineffective assistance of counsel, a defendant must demonstrate that (i) his defense counsel’s representation fell below an objective standard of reasonableness, and (ii) there is a reasonable probability that but for counsel’s unprofessional errors, the result of the proceeding would have been different.⁷ There is a strong presumption that counsel’s representation was professionally reasonable.⁸ As to prejudice, in the context of a plea agreement, the defendant must show that “there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.”⁹

² *Ploof v. State*, 75 A.3d 811, 820 (Del. 2013).

³ *Id.*

⁴ *Bradley v. State*, 135 A.3d 748, 756-57 (Del. 2016).

⁵ *Cephas v. State*, 2022 WL 1552149, at *2 (Del. May 17, 2022) (citing *Green v. State*, 238 A.3d 160, 175 (Del. 2020)).

⁶ *Ploof*, 75 A.3d at 820.

⁷ *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984).

⁸ *Albury v. State*, 551 A.2d 53, 59 (Del. 1988).

⁹ *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

(6) To the extent that Sample argues, independently of his ineffective-assistance claim, that the New York conviction could not be used as a predicate DUI offense, his claim is barred as procedurally defaulted.¹⁰ Sample pleaded guilty to seventh-offense DUI and agreed that the New York conviction constituted a prior conviction under the statute.¹¹ Absent a meritorious ineffective-assistance claim, Sample has not shown why he could not have raised his arguments about his prior conviction at an earlier stage of the proceedings.

(7) Sample's ineffective-assistance claim also is without merit. Sample admitted in the plea paperwork and colloquy that he had six prior DUI convictions. He was therefore subject to sentencing for seventh-offense DUI, even if the first offense occurred more than ten years before the second offense.¹² Sample has established neither deficient performance nor prejudice.

¹⁰ See DEL. SUPER. CT. R. CRIM. PROC. 61(i)(3) ("Any ground for relief that was not asserted in the proceedings leading to the judgment of conviction, as required by the rules of this court, is thereafter barred, unless the movant shows (A) Cause for relief from the procedural default and (B) Prejudice from violation of the movant's rights.").

¹¹ Cf. *Turner v. State*, 2002 WL 31796224, at *2 (Del. Dec. 13, 2002) ("Turner also acknowledged [when pleading guilty] that he qualified for habitual offender status given his prior criminal record. In the absence of clear and convincing evidence to the contrary, Turner is bound by those representations.").

¹² See 21 Del. C. § 4177(d)(7) (providing that a seventh DUI offense "occurring any time after 6 prior offenses" is a class C felony subject to a sentence of five to fifteen years' imprisonment).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice