

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE	:	
	:	
v.	:	I.D. No.: 2408004105
	:	
ERIC BROWN,	:	
	:	
Defendant.	:	

ORDER

Submitted: June 2, 2026
Decided: August 28, 2026

On this 28th day of August, 2026, after considering Defendant Eric Brown’s Motion for Postconviction Relief, Mr. Brown’s plea counsel’s affidavit, the State’s opposition, the Commissioner’s Report and Recommendation, and the record in this case, **IT APPEARS THAT:**

1. On April 16, 2025, Mr. Brown pled guilty to Carrying a Concealed Deadly Weapon and Illegal Possession of a Controlled Substance – Fentanyl.¹ The Court sentenced Mr. Brown to two years of incarceration at Level V, followed by probation.² Mr. Brown did not file a direct appeal of his convictions.

¹ D.I. 25 (Apr. 17, 2025).

² Id.

2. Mr. Brown filed a *pro se* Motion for Postconviction Relief on October 6, 2025.³ Mr. Brown asserts three grounds in support of postconviction relief. Mr. Brown first challenges the legality of his arrest and subsequent search by police officers.⁴ Second, Mr. Brown argues lack of probable cause to justify his arrest.⁵ Mr. Brown's third ground asserts a claim of ineffective assistance of counsel stemming from his representation during his guilty plea ("Plea Counsel").⁶

3. Contemporaneous to his Motion for Postconviction Relief, Mr. Brown filed a Motion for the Appointment of Counsel⁷ and a letter to the Court implying his guilty plea resulted from coercion by Plea Counsel.⁸ On October 8, 2025, the Court referred Mr. Brown's matter to a Superior Court Commissioner pursuant to 10 Del. C. § 512(b) and Superior Court Criminal Rule 62.⁹ On October 9, 2025, the Court denied Mr. Brown's Motion for Appointment of Counsel, finding Mr. Brown failed to meet the criteria established by Superior Court Criminal Rule 61(e)(3).¹⁰

³ Mot. for Postconviction Relief, D.I. 28 (Oct. 6, 2025).

⁴ Id. at 4.

⁵ Id. at 4-5.

⁶ Id. at 6-9.

⁷ D.I. 29 (Oct. 6, 2025).

⁸ D.I. 30 (Oct. 6, 2025).

⁹ D.I. 31 (Oct. 8, 2025).

¹⁰ D.I. 32 (Oct. 9, 2025).

4. The Commissioner established a briefing schedule on October 10, 2025, requiring Plea Counsel submit an affidavit addressing Mr. Brown's contentions.¹¹ As to Mr. Brown's first two grounds for postconviction relief, Plea Counsel averred he found "no legitimate basis to file a Motion to Suppress."¹² Plea Counsel noted that Mr. Brown indicated a different attorney had advised Mr. Brown a motion to suppress was likely to succeed, but that both Plea Counsel and his supervisor disagreed with that analysis.¹³ Plea Counsel denied any coercion of Mr. Brown, asserting he reviewed the evidence with Mr. Brown "on multiple occasions."¹⁴

5. The State filed its Response to Mr. Brown's Motion for Postconviction Relief on January 7, 2026.¹⁵ The State opposed Mr. Brown's request for relief, contending any motion to suppress would have been futile.¹⁶ The State further argued Mr. Brown remained bound by the representations he made during his plea colloquy with the Court.¹⁷ Mr. Brown did not file a Reply.

¹¹ D.I. 33 (Oct. 10, 2025).

¹² Plea Counsel's Affidavit, D.I. 35, at 1-2 (Dec. 9, 2025).

¹³ Id. at 2.

¹⁴ Id. at 3.

¹⁵ State's Resp., D.I. 36 (Jan. 7, 2026).

¹⁶ Id. at 6-7.

¹⁷ Id.

6. The Commissioner issued her Report and Recommendation (the “Report”) on April 7, 2026.¹⁸ The Report found that Mr. Brown’s claims were premised, at least in part, on a claim of ineffective assistance of counsel.¹⁹ Accordingly, the Report determined Mr. Brown’s claims were not procedurally barred.²⁰ As to the merits of his claims, the Report concluded, “it is abundantly clear that [Mr.] Brown has failed to allege any facts sufficient to substantiate his claims that his attorney was ineffective.”²¹ The Report recommended the Court deny Mr. Brown’s Motion for Postconviction Relief.²²

7. Superior Court Criminal Rule 62(b) provides that any party “appealing the findings of fact and recommendations of a Commissioner under subparagraph (5) who fails to comply with the provisions of this rule may be subject to dismissal of said motion for reconsideration or appeal.” Any objections to the Commissioner’s proposed findings of fact and recommendations must be filed within 10 days of

¹⁸ The Report, D.I. 39 (Apr. 7, 2026).

¹⁹ Id. at 5.

²⁰ Id.

²¹ Id. at 7.

²² Id. at 10.

Commissioner issuing her report.²³ Mr. Brown has not filed any objections to the Report, nor has he asked this Court to reconsider any of the Report's findings.

8. When Mr. Brown entered his guilty plea, the Court conducted a guilty plea colloquy with him.²⁴ Mr. Brown affirmed he (1) understood the charges against him; (2) understood the elements of those charges; (3) understood the evidence against him; (4) understood whatever rights he maintained regarding suppression of evidence; (5) had not been forced to enter his guilty plea; (6) had discussed the matter fully with Plea Counsel; (6) was satisfied with Plea Counsel's representation; and (7) knowingly and voluntarily entered into the plea because he was, in fact, guilty of Carrying a Concealed Deadly Weapon, a firearm, and Illegal Possession of a Controlled Substance, Fentanyl.²⁵ Mr. Brown remains bound by those answers.

9. The Court's review of Mr. Brown's Motion for Postconviction Relief reveals Mr. Brown seeks to litigate the sufficiency and admissibility of the evidence against him. By entering a guilty plea, Mr. Brown waived his right to contest the evidence against him. As to Mr. Brown's allegations against Plea Counsel, Mr. Brown appears dissatisfied that his original attorney was removed from his case

²³ Super. Ct. Crim. R. 62(a)(5)(ii).

²⁴ Tr. of Mr. Brown's Guilty Plea, D.I. 37 (Apr. 16, 2025).

²⁵ Id. at 9-18.

when she relocated to a different county.²⁶ The Court adopts the Report's finding of fact that Mr. Brown's assertions regarding any deficiency in Plea Counsel's conduct lack credibility.

10. Based upon Mr. Brown's filings, it appears Plea Counsel advised Mr. Brown to accept a guilty plea because Mr. Brown faced a significant minimum mandatory sentence had he proceeded to trial and been unsuccessful.²⁷ Mr. Brown may regret taking that advice, but Mr. Brown has failed to show Plea Counsel's conduct fell to the level of ineffective assistance of counsel established by Strickland v. Washington.²⁸ Further, Mr. Brown has not demonstrated that, but for Plea Counsel's allegedly deficient performance, Mr. Brown would not have entered his guilty plea.²⁹

NOW, THEREFORE, after a *de novo* review of the record in this action, and consideration of the parties' arguments and the Commissioner's Report dated April 7, 2026;

²⁶ Mot. for Postconviction Relief at 7.

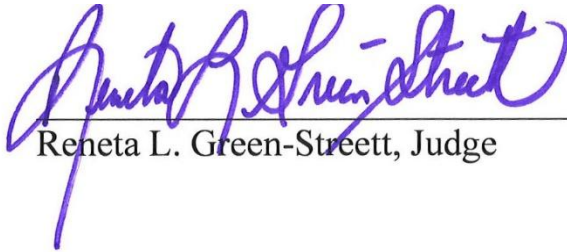
²⁷ D.I. 30 at 1.

²⁸ 466 U.S. 668 (1984).

²⁹ See Sommerville v. State, 703 A.2d 629, 631 (Del. 1997) ("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.") (internal quotations omitted).

IT IS HEREBY ORDERED that the Commissioner's Report and Recommendation is Adopted by this Court. Mr. Brown failed to file any objections to the Commissioner's Report within the ten-day window outlined by Superior Court Criminal Rule 62. As such, Mr. Brown waives any objections to the Report. Mr. Brown has failed to establish Plea Counsel's performance was deficient, or, that, but for Plea Counsel's conduct, Mr. Brown would have insisted on going to trial. Mr. Brown's Motion for Postconviction Relief pursuant to Superior Court Rule 61 is **DENIED.**

IT IS SO ORDERED.



Reneta L. Green-Streett, Judge