

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CLARENCE H. EDWARDS,	§
	§ No. 445, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 0504022745
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 1, 2007

Decided: December 17, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 17th day of December 2007, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The defendant-appellant, Clarence H. Edwards, filed an appeal from the Superior Court’s August 17, 2007 order denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61.¹ The plaintiff-appellee, the State of Delaware, has moved to affirm the judgment

¹ The Superior Court referred the matter to the Superior Court commissioner and subsequently adopted the commissioner’s report and recommendation. Del. Code Ann. tit. 10, § 512(b); Super. Ct. Crim. R. 62.

of the Superior Court on the ground that it is manifest on the face of the opening brief that the appeal is without merit.² We agree and AFFIRM.

(2) In August 2005, Edwards pleaded guilty to Sexual Solicitation of a Child. In exchange for Edwards' guilty plea, the State dismissed the additional charges of Indecent Exposure in the First Degree and Harassment. Edwards was sentenced to 10 years of Level V incarceration, to be suspended after 7½ years for 2½ years of decreasing levels of supervision. Edwards did not file a direct appeal from his conviction and sentence.

(3) In this appeal, Edwards claims that a) his guilty plea was coerced because he was told that, unless he accepted the plea, he would receive more prison time; b) he was denied the opportunity to confront his accusers; and c) his attorney provided ineffective assistance by not informing him of his rights, as reflected in the affidavit she filed in the postconviction proceedings in the Superior Court.

(4) Edwards' first claim is that his guilty plea was coerced. The transcript of the guilty plea colloquy reflects that Edwards told the judge he understood that, by entering the plea, he was giving up his right to a trial, that no one had forced or threatened him to enter the plea, that he was guilty of the charge to which he was pleading guilty, that he had been afforded

² Supr. Ct. R. 25(a).

sufficient time to consult with his attorney, and that he was satisfied with his attorney's representation. In the absence of clear and convincing evidence to the contrary, Edwards is bound by the statements he made during his plea colloquy.³ Moreover, the 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."⁴ We, therefore, conclude that Edwards' first claim is without merit.

(5) Edwards' second claim is that he was denied the opportunity to confront his accusers. Edwards' voluntary guilty plea constitutes a waiver of his right to confront his accusers.⁵ We, therefore, conclude that Edwards' second claim is without merit.

(6) Edwards' third claim is that his attorney provided ineffective assistance by not informing him of his rights, as reflected in her affidavit filed in the Superior Court. Edwards' claim is not supported by the facts of record. The affidavit of Edwards' attorney states only that Edwards completed the TIS sentencing form in his own hand and that he was aware he was forfeiting his trial rights, including his right to confront his accusers.

(7) Edwards also has not demonstrated a reasonable probability

³ *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997).

⁴ *Brady v. United States*, 397 U.S. 742, 751-52 (1970).

⁵ *Miller v. State*, 840 A.2d 1229, 1232 (Del. 2003).

that, but for his attorney's alleged errors, he would not have pleaded guilty and would have elected to proceed to trial, as it is his burden to do.⁶ His guilty plea provided him with a clear benefit. It was reasonable for him to plead guilty to one charge rather than risk being tried on three charges of sexual improprieties involving children. We, therefore, conclude that Edwards' third claim is without merit.

(8) It is manifest on the face of Edwards' opening brief that his appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

⁶ *Albury v. State*, 551 A.2d 53, 58 (Del. 1988).