

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |                              |
|--------------------|------------------------------|
| PAUL J. LEWIS,     | §                            |
|                    | §                            |
| Defendant Below-   | § No. 458, 1999              |
| Appellant,         | §                            |
|                    | §                            |
| v.                 | § Court Below—Superior Court |
|                    | § of the State of Delaware,  |
| STATE OF DELAWARE, | § in and for Sussex County   |
|                    | § Cr.A. No. IS97-07-0447     |
| Plaintiff Below-   | §                            |
| Appellee.          | §                            |

Submitted: January 27, 2000

Decided: March 30, 2000

Before **VEASEY**, Chief Justice, **HARTNETT**, and **BERGER**, Justices.

**ORDER**

This 30th day of March 2000, upon consideration of the parties' respective briefs, it appears to the Court that:

(1) The defendant-appellant, Paul J. Lewis ("Lewis"), filed this appeal from a Superior Court decision denying his first motion for postconviction relief. Lewis pled guilty in 1997 to one count of first degree unlawful sexual intercourse. The Superior Court sentenced him to 20 years at Level V imprisonment to be suspended after 15 years for decreasing levels of supervision. Lewis did not file a direct appeal from his conviction and sentence. Instead, in 1999, he filed a motion for postconviction relief

contending that his trial counsel was ineffective in several respects. The Superior Court denied his petition, and this appeal ensued. We find no merit to Lewis's arguments on appeal. Accordingly, we affirm the Superior Court's judgment.

(2) In his motion for postconviction relief, Lewis asserted several claims of ineffective assistance of counsel. The Superior Court reviewed Lewis's claims pursuant to the standards set forth in *Strickland v. Washington*.<sup>1</sup> Under the two-pronged *Strickland* test, a defendant must establish that his attorney's representation fell below an objective standard of reasonableness and that, but for counsel's unprofessional errors, the result of the proceedings would have been different. Although not insurmountable, the *Strickland* standard is highly demanding and leads to a "strong presumption that the representation was reasonable."<sup>2</sup> The Superior Court, in a thorough six page decision, properly applied the *Strickland* test and concluded that Lewis could not establish either cause or prejudice.

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<sup>1</sup>*Strickland v. Washington*, 466 U.S. 668 (1984).

<sup>2</sup>*Flamer v. State*, Del. Supr., 585 A.2d 736, 753 (1990).

(3) Having carefully considered the parties' respective positions on appeal, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated September 9, 1999. The issues presented on appeal are clearly controlled by settled principles of law, and we find no error or abuse in the Superior Court's application of those principles to the factual circumstances in this case.

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

BY THE COURT:

/s/ Carolyn Berger  
Justice