

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                       |                                   |
|-----------------------|-----------------------------------|
| DONALD R. WHITE, SR., | §                                 |
|                       | §                                 |
| Defendant Below,      | §                                 |
| Appellant,            | § No. 254, 1999                   |
|                       | §                                 |
| v.                    | § Court Below: Superior Court     |
|                       | § of the State of Delaware in and |
| STATE OF DELAWARE,    | § for Sussex County               |
|                       | § Cr.A. Nos. IS98-06-0521 - 0522  |
| Plaintiff Below,      | §                                 |
| Appellee.             | §                                 |

Submitted: March 21, 2000

Decided: March 23, 2000

Before WALSH, HOLLAND, and BERGER, Justices.

O R D E R

This 23rd day of March 2000, upon consideration of the briefs of the parties, it appears to the Court that:

(1) In this appeal from the Superior Court, the appellant, Donald R. White, Sr. (“White”), claims error in the Superior Court’s refusal to appoint counsel for him in connection with his *pro se* motion to withdraw a previously entered guilty plea. He further asserts that the Superior Court abused its discretion in refusing to permit withdrawal of the guilty plea.

(2) The State has filed an answering brief in this appeal in which, with commendable candor, it concedes error with respect to the Superior

Court's refusal to appoint counsel at the time White sought to withdraw his guilty plea. We accept the State's confession of error and agree that the defendant was entitled to the appointment of counsel at the plea withdrawal hearing because it occurred prior to sentencing at a critical stage of the criminal process. *See United States v. Crowley*, 3d Cir., 529 F.2d 1066, 1069 (1976); *United States v. Sanchez-Barreto*, 1st Cir., 93 F.3d 17, 20 (1996).

(3) Since our reversal necessarily requires the grant of a new hearing, it is unnecessary to consider White's remaining claims.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be REVERSED and REMANDED to the Superior Court for further proceedings consistent with this order.

BY THE COURT:

s/Joseph T. Walsh  
Justice