

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE,	)	
	)	
	)	ID #: 0611011332A
v.	)	
	)	
ANDRE BRIDGERS,	)	
Defendant.	)	

Submitted: March 12, 2010  
Decided: June 25, 2010

**ORDER**

**Upon Defendant's Motion for Postconviction Relief -  
SUMMARILY DISMISSED**

1. On May 24, 2007, Andre Bridgers and Keino Chrichlow were convicted of twenty-eight armed robberies and related charges. The convictions stemmed from a Hollywood-style, \$150,000, bank robbery where a third defendant, Craig Hunter, held many customers at gunpoint, while Bridgers cleaned out several tellers' cash drawers. Chrichlow was the getaway driver. Hunter pleaded guilty and testified against his former friends, Bridgers and Chrichlow.

2. Post-trial, the court reduced many of the robbery convictions to aggravated menacings. Nevertheless, on November 30, 2007, Bridgers received a lengthy sentence, involving many mandatory years in prison.

3. Taking exception to the court's having reduced the robberies, the State filed a direct appeal on November 19, 2007.<sup>1</sup>

4. Significantly, as to the pending motion, on December 28, 2007, Bridgers filed a timely cross appeal. After full briefing and two oral arguments, the Supreme Court, *en banc*, rejected the State's appeal and affirmed Defendants' convictions.<sup>2</sup>

5. Next, on March 12, 2010, Bridgers filed a timely, *pro se*, motion for postconviction relief under Superior Court Criminal Rule 61. The Prothonotary properly referred the motion under Rule 61(d)(1) for preliminary consideration.

6. Because it plainly appears from the motion and the record that Defendant is not entitled to relief, the motion is subject to dismissal under Rule 61(d)(4).

7. Bridgers's foremost argument is that, due to his counsel's

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<sup>1</sup> Due to the post-trial order's wording, the State had to file its appeal before Defendants were sentenced. Although it makes no meaningful difference here, it would have been better practice if the order had not become final until both Defendants had been sentenced.

<sup>2</sup>*State v. Bridgers*, 2009 WL 824536 (Del. Supr. Mar. 30, 2009).

ineffectiveness, he was denied a direct appeal. Were that true, which it is not, Bridgers's motion would not lend itself to summary dismissal.<sup>3</sup> As presented above, however, after the State filed its appeal, Bridgers, through counsel, filed a cross appeal. His original counsel withdrew and was replaced by an experienced attorney with the Public Defender's appellate unit. Bridgers's appellate counsel filed a brief for Bridgers.

8. Bridgers's appellate brief made two arguments. First, in response to the State's appeal, Bridgers's counsel argued successfully that reducing the robbery convictions involving mere bystanders was correct. Bridgers's second argument, his cross appeal, was that the trial court erred by not consolidating the remaining robberies into a single conviction. Had that appellate argument worked, the convictions and prison sentences would have been further reduced.

9. In summary, as to Bridgers's argument that he was denied a direct appeal, it appears that although it was denominated as a cross appeal, rather than a direct appeal, Bridgers, through counsel, properly challenged his conviction, in part, on appeal. Furthermore, Bridgers does not identify an appellate argument, much less a persuasive one, that his appellate counsel missed. Accordingly, it cannot be said

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<sup>3</sup>*Middlebrook v. State*, 815 A.2d 739, 743 (Del. 2003).

that Bridgers's convictions and sentence were not given proper appellate review, nor that his appellate counsel was ineffective.

10. Bridgers's remaining arguments challenge his trial counsel's pretrial investigation and her "failure to utilize any of the prior statements given by the State's witnesses." Generally, Bridgers alleges inconsistencies between the witnesses' statements and their testimony. Bridgers also alleges "the necessity for extensive consultation" between trial counsel and him. Bridgers alleges that he "may well have been able to provide insight into [the State's witnesses'] accuracy and veracity."

11. Bridgers, however, provides neither specifics nor argument showing that he was denied adequate opportunity to bring his thoughts and information to his attorney's attention, much less that more investigation would likely have resulted in a better outcome for him. The same is true for his "failure to utilize" and "failure to consult" arguments, mentioned above. As discussed next, more investigation, impeachment and consultation would have been unavailing.

12. The State's case was very strong. Among other things, when Defendants were arrested shortly after the robberies, the police found the bank's money, the weapons and disguises. Assuming, for argument's sake, that trial counsel failed to highlight inconsistencies between the victims' testimony and their statements

to the police, those inconsistencies would easily have been explained away as products of excitement, or otherwise.

13. When all the witnesses' and victims' statements and their testimony are considered as a whole, despite what narrow inconsistencies Defendant might point to, a remarkably clear picture of what had happened in the bank remains. Two gunmen, Bridgers and Hunter, entered the bank. As planned, Hunter held the bystander victims at bay with a machine gun, while Bridgers emptied out the tellers' cash drawers and forced two employees into the vault. Although Defendants switched getaway cars, through electronic tracking and astute police work, Defendants were quickly arrested. They were found with the stolen money, the weapons, and so on. They were also tied to the getaway vehicles. Again, the State's case was more than convincing. It was strong enough to have easily withstood some inconsistencies and loose ends. And, that is so even without Hunter's testimony.

14. The only weakness in the prosecution was that Defendants were overcharged, as the post-trial decision explained. Taking everything into account, trial counsel's success in reducing the convictions was about the best that Bridgers could have hoped for. Outright acquittal was almost out of the question, and consolidation of the robberies into a single count was legally unjustified.

15. Considering what the court heard at trial, along with the post-trial motions, it further appears that appointment of counsel for Bridgers and an evidentiary hearing are not desirable.

For the foregoing reasons, Defendant, Andre Bridgers's, motion for postconviction relief is **SUMMARILY DISMISSED**. The Prothonotary **SHALL** cause Defendant to be notified.

**IT IS SO ORDERED.**

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Judge

oc: Prothonotary (Criminal Division)  
pc: Paul R. Wallace, Deputy Attorney General  
Abigail Layton, Deputy Attorney General  
Andre Bridgers, *Pro Se*