

April 25, 2002

Louis Bland
S.C.I.
P.O. Box 500
Georgetown, DE 19947

RE: State v. Bland,
Def. ID#s 0005022479, 0003016619, and 0010021968

DATE SUBMITTED: March 6, 2002

Dear Mr. Bland:

Defendant Louis Bland ("defendant") has filed a motion for postconviction relief pursuant to Superior Court Criminal Rule 61 ("Rule 61"). He argues that the Court had no authority to impose an habitual offender sentence on a conviction for delivery of cocaine (Criminal Action No. IS00-03-0719) because the prerequisites for imposing the habitual offender status did not exist. He also claims trial counsel was ineffective for not establishing this fact.

Because this claim is frivolous, I will not waste time addressing procedural issues. Instead, I will address the meat of the contention and dispel any notion of its validity.

On May 3, 1995, defendant entered a plea of guilty to the crime of robbery in the second degree in the case of State v. Bland, Def. ID# 9411016028. A review of the transcript of the guilty plea clearly establishes that a plea colloquy took place with defendant. Defendant did not seek to withdraw his plea, as he was given the option to do. Defendant thereafter was barred from seeking to withdraw the plea. State v. Bland, Del. Super., Def. ID# 9411016028, Graves, J. (June 6, 1996). The guilty plea was valid and it is not subject to attack. See id.

Defendant claims, in this current motion, that since there was no valid guilty plea to robbery in the second degree, there was no conviction and the habitual offender determination premised on that conviction is invalid. Since defendant's claim regarding the validity of the robbery in the second degree conviction is

frivolous, his current motion is frivolous and is dismissed.

IT IS SO ORDERED.

Very truly yours,

Richard F. Stokes

cc: Prothonotary's Office
Carol E.L. Davis, Esquire
E. Stephen Callaway, Esquire