

April 4, 2002

Perry Williams  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

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Department of Justice  
114 East Market Street  
Georgetown, DE 19947

Karl Haller, Esquire  
Office of the Public Defender  
Mellon Bank Building, 2<sup>nd</sup> Floor  
Georgetown, DE 19947

**RE: State of Delaware v. Perry Williams**  
**Def. ID#0105014788**  
**Memorandum Opinion Motion for Postconviction Relief**

Dear Mr. Williams and Counsel:

This is my decision on defendant Perry D. Williams' motion for postconviction relief.<sup>1</sup> Williams was charged by information with Delivery of Cocaine in violation of 16 Del. C. § 4751 on August 27, 2001. Williams pled guilty to the lesser-included offense of Possession of Cocaine on January 9, 2002, and was sentenced to three years at level five, suspended after one year at level five for two years at level three. Williams filed his motion for postconviction relief on February 19, 2002. Williams sets forth two grounds for relief. One, Williams argues that he is not the person seen in the surveillance video participating in a drug transaction. Two, Williams argues that his attorney, Karl Haller, knew this but still urged him to enter a guilty plea.

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<sup>1</sup>Defendant Perry D. Williams is hereinafter referred to as "Williams."

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Williams took no direct appeal to the Supreme Court. This is Williams' first motion for postconviction relief and it was filed in a timely matter. Therefore, there are no procedural bars to Williams' motion for postconviction relief.<sup>2</sup>

There is no merit to either of Williams' grounds for relief. Williams and his attorney reviewed the video tape before he entered the guilty plea. The video tape shows a black male with long hair, a limp and an earring in his left ear. Williams is a black male with long hair, a limp and, according to Williams, an earring in his right ear. When asked if he committed the crime during the plea colloquy, Williams responded, "Yes, sir." Williams is bound by his statements made during the plea colloquy.<sup>3</sup> Having admitted to committing the crime, Williams cannot now credibly argue that the video tape exonerates him.

Regarding Williams' ineffective assistance of counsel claim, he must meet the two-prong test set forth in *Strickland v. Washington*.<sup>4</sup> In the context of a guilty plea challenge, Strickland requires a defendant to show that: (1) counsel's representation fell below an objective standard of reasonableness; and (2) counsel's actions were so prejudicial that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Williams argues that Mr. Haller knew that it was someone named "Kenny Green" in the video tape, but still urged him to pled guilty. In response to Williams'

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<sup>2</sup>Younger v. State, 580 A.2d 552, 554 (Del. 1990).

<sup>3</sup>Somerville v. State, 730 A.2d 629, 632 (Del. 1997).

<sup>4</sup>466 U.S. 668, 104 S. Ct. 2052, 80 L.Ed. 2d 674 (1984).

motion for postconviction relief, I ordered Mr. Haller to submit a response to Williams’

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allegations. In his response, Mr. Haller stated that while he was not 100% that it was Williams on the video tape, he was certain that it did not look like it was someone else. Mr. Haller also thought that it was significant that both the person in the video tape and Williams walk with a limp. There is no factual basis to support Williams’ allegation. It is clear that Mr. Haller did not believe that the person in the video tape was definitely someone other than Williams. Regarding Williams’ allegation of coercion, when asked during the plea colloquy if anybody had coerced him into taking the plea, Williams said, “No, sir.” Williams also said that he was satisfied with Mr. Haller’s representation of him. I do not find any fault in Mr. Haller’s representation of Williams or any coercion of Williams to get him to enter the guilty plea. For the reasons set forth above, Williams’ motion for postconviction relief is denied.

IT IS SO ORDERED.

Very truly yours,

E. Scott Bradley

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