

for each of the two counts of Robbery First Degree; four years at level 5, suspended after three years for one year at level 2 for each of the two counts of Possession of a Firearm During Commission of a Felony; and two years at level 5, suspended for two years at level 2 for the Assault Second Degree charge. Each of the level 2 probationary terms to be served consecutively.

3. Crews filed a First Motion for Postconviction Relief on June 17, 2003. That Motion was DENIED as the sentence imposed is mandatory and cannot be reduced or suspended.¹

4. On March 8, 2004, Crews filed this Second Motion for Postconviction Relief and asserted the following grounds for relief:

- (a) judicial misconduct in that he marked on his Truth-in-Sentencing plea form that he had not freely and voluntarily decided to plead guilty, but the judge continued with his plea; and
- (b) he did not understand the plea.

5. Before addressing the merits of any claims raised in a motion seeking postconviction relief, the court must first apply the rules governing the procedural requirements of Superior Court Criminal Rule 61(i).²

¹ Docket Item 9, ID 0103015609.

² *Stone v. State*, 690 A.2d 924, 925 (Del. 1996) (internal citation omitted).

6. Superior Court Criminal Rule 61(i)(1) provides that “a motion for postconviction relief may not be filed more than three years after the judgment of conviction is final . . .” As Crews was sentenced on January 4, 2002, his filing is within the time limit.

7. The court finds no merit to either of Crews’ claims.

8. The court finds that Crews' claim his plea was not voluntary is contradicted by the judge’s factual finding at his plea colloquy that Crews’ plea was knowing and voluntary. There is no evidence that Crews’ guilty pleas were “the result of force, threats, or promises apart from the plea agreement.”³

9. The court finds Crews’ assertion he did not understand the plea is likewise contradicted, both by his statements at the plea colloquy and his answers to other questions on the plea form.⁴

10. The court, therefore, **DENIES** Crews’ Second Motion for Postconviction Relief.

IT IS SO ORDERED.

Calvin L. Scott, Jr.
Superior Court Judge

³ *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997) (stating the standard for “voluntariness” of a guilty plea).

⁴ Crews marked “yes” to questions concerning: his understanding of the penalty, that he was satisfied with his lawyer’s representation, and that he had read and understood all the information on the form.