

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PHILIP J. CELATKA,	§
	§
Defendant Below-	§ No. 311, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr.A. Nos. IK00-08-0376
	§ and -0383
Plaintiff Below-	§ Cr. ID 0008008225
Appellee.	§

Submitted: August 12, 2002  
Decided: August 29, 2002

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

**ORDER**

This 29<sup>th</sup> day of August 2002, upon consideration of the appellant's opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) In December 2000, the defendant-appellant, Philip Celatka, pleaded guilty, pursuant to then-existing Superior Court Criminal Rule 11(e)(1)(C), to one count of first degree unlawful sexual intercourse and one count of continuous sexual abuse of a child. The victim was Celatka's minor daughter. The Superior Court sentenced him to thirty years at Level V incarceration, suspended after serving seventeen years for eight years at

decreasing levels of supervision. In April 2001, Celatka filed a petition for postconviction relief, which the Superior Court denied. This appeal ensued.

(2) Having carefully considered the parties' respective contentions and the record below, we find it manifest that the judgment of the Superior Court must be affirmed on the basis of the Superior Court's well-reasoned decision dated May 8, 2002, which adopted the Superior Court Commissioner's Report and Recommendation. Celatka's claims were not raised prior to the entry of his guilty plea and thus were procedurally barred by Superior Court Criminal Rule 61(i)(3). Moreover, Celatka's claims of ineffective assistance of counsel were conclusory and unsupported by the record and, thus, legally insufficient to establish that his counsel's performance fell below an objective standard of reasonableness and was prejudicial.\*

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh  
Justice

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\* See *Strickland v. Washington*, 466 U.S. 668, 688 (1984).