

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RODERICK GIBBS,	§
	§
Defendant Below-	§ No. 67, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 9912008045
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 21, 2002
Decided: August 9, 2002

Before **VEASEY**, Chief Justice, **BERGER**, and **STEELE**, Justices.

ORDER

This 9th day of August 2002, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The defendant-appellant, Roderick Gibbs, pleaded guilty in May 2000 to one count of first degree assault. The Superior Court sentenced him in July 2000 to ten years at Level V incarceration, suspended after serving five years for decreasing levels of supervision. In October 2001, Gibbs filed his first petition for postconviction relief, asserting that his trial counsel was ineffective for failing to investigate the prosecutor's alleged conflict of interest and for failing to file an appeal, that his guilty plea was not voluntary, and that the Superior Court erred in

sentencing him in excess of the sentencing guidelines. The Superior Court denied Gibbs' petition on its merits. This appeal ensued.

(2) Having carefully considered the parties' respective briefs, we find it manifest that the Superior Court's judgment should be affirmed on the basis of its well-reasoned decision dated January 16, 2002. The Superior Court's finding that Gibbs entered his guilty plea knowingly and voluntarily is supported by clear and convincing evidence in the record. Accordingly, in light of Gibbs' admitted guilt, we agree with the Superior Court that Gibbs could not establish any prejudice from his attorney's alleged errors. Finally, the Superior Court was entirely correct that Gibbs' sentence, which fell within the statutory range of authorized penalties, provided no basis for postconviction relief.¹ The Superior Court did not err in summarily disposing of Gibbs' claims without holding a hearing.²

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

Myron T. Steele
Justice

¹ See *Gaines v. State*, 511 A.2d 765, 766-67 (Del. 1990).

² See *Maxion v. State*, 686 A.2d 148, 11 (Del. 1996).