

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRIAN GOODWIN,	§
	§
Defendant Below,	§ No. 429, 2019
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1604019882 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: March 30, 2020

Decided: May 6, 2020

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**, Justices.

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of and for the reasons assigned by the Superior Court’s order dated September 6, 2019, denying the appellant’s motion for postconviction relief. The transcript of the detailed plea colloquy that the Superior Court conducted with Goodwin belies his claim that his counsel incorrectly or inadequately advised him regarding sentencing and the consequences of his plea.¹ The transcript reflects that Goodwin understood that he could receive a sentence of up to life plus twenty-five

¹ *Lacey v. State*, 2011 WL 1486566, at *2 (Del. Apr. 19, 2011).

years in prison, that the court was not obligated to follow the sentencing recommendation made in connection with the plea agreement, and that no one had promised him what his sentence would be.² With respect to Goodwin's claim that the sentence was excessive, he faced the possibility of life in prison had he gone to trial, and there is no evidence that his sentence exceeded the statutory limits or that the Superior Court was motivated by impermissible factors when imposing the sentence.³

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

² See, e.g., *Somerville v. State*, 703 A.2d 629, 632-33 (Del. 1997) (rejecting claim that counsel provided ineffective assistance when advising defendant regarding guilty plea and potential sentence, based on defendant's representations during plea colloquy and on truth-in-sentencing form).

³ *Lacey*, 2011 WL 1486566, at *2. See also *Wingate v. State*, 2004 WL 692050, at *2 (Del. Mar. 25, 2004) ("As long as a sentence is within the statutory limits, it may not be challenged merely because it exceeds the sentence recommendation contained in the plea agreement. Wingate does not allege that his sentences exceed the statutory limits. Moreover, Wingate stated on the guilty plea form that no one had promised him what his sentence would be. Thus, he understood at the time he entered his guilty plea that he could be given sentences in excess of the State's recommendation." (citation omitted)).