

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD R. WHITE,)
) No. 299, 2000
 Defendant Below,)
 Appellant,) Court Below: Superior Court
) of the State of Delaware in and
 v.) for Sussex County
)
 STATE OF DELAWARE,) Cr. A. No. 98-06-052
)
 Plaintiff Below,)
 Appellee.)

Submitted: December 11, 2001

Decided: December 21, 2001

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

ORDER

This 21st day of December, 2001, it appears to the Court that:

1. The sole issue is whether Appellant believed that he was being sentenced in accordance with a Rule 11(e)(1)(c) plea agreement that he had negotiated with the State.

2. The record clearly supports the trial judge's decision that White understood his sentencing. It indicates that the trial judge made White fully aware that the plea he was about to agree to was different than the one that had been negotiated; this included informing him of both the minimum and the possible mandatory sentence.

3. White's answers during the plea colloquy indicate that he understood this fact. As the State points out in its brief, those answers are to be considered truthful absent clear and convincing evidence to the contrary.¹

4. The trial judge's comments indicate that he did not find White to be credible when he told him that he had not understood his sentencing. In fact, the judge found him to be intelligent and informed during the proceedings and his demeanor in requesting the withdrawal to be manipulative. The trial court, therefore, did not abuse his discretion when he denied White's Motion to Withdraw his guilty plea.

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

BY THE COURT:

/s/ Myron T. Steele
Justice

¹ *Somerville v. State*, Del Supr., 703 A.2d 629 (1997).