

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FLOYD WRIGHT,	§
	§
Defendant Below-	§ No. 482, 2000
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN99-02-0351 R1
Plaintiff Below-	§ IN99-02-0352 R1
Appellee.	§

Submitted: February 1, 2001
Decided: February 28, 2001

Before **WALSH, HOLLAND** and **STEELE**, Justices

ORDER

This 28th day of February 2001, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Floyd Wright, filed this appeal from an order of the Superior Court denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In this appeal, Wright claims that: 1) his counsel provided ineffective assistance; 2) the Superior Court abused its discretion in refusing to grant a continuance of his trial so he could obtain substitute counsel; and 3) his guilty plea was involuntary.

(3) Wright was scheduled for trial in the Superior Court on May 25, 1999 on robbery and assault charges. On that same date, after his request for a continuance of the trial was denied, Wright entered a guilty plea to first degree robbery and second degree assault.¹ Wright was sentenced to 10 years incarceration at Level V on the robbery conviction and 8 years incarceration at Level V, to be suspended after 5 years for decreasing levels of probation, on the assault conviction.

(4) In order to prevail on his claim of ineffective assistance of counsel, Wright must show that his counsel's representation fell below an objective standard of reasonableness and that, but for counsel's unprofessional errors, he would not have pleaded guilty but would have insisted on proceeding to trial.² Wright has provided no support for his contention that unprofessional errors on the part of his counsel were prejudicial to him. In fact, during his plea colloquy he specifically represented that he was satisfied with his counsel's representation during the plea phase. Because there is no support for Wright's claim of ineffective assistance of counsel, the Superior Court's summary denial of the claim was warranted.

¹Pursuant to *Robinson v. State*, Del. Supr., 291 A.2d 279, 281 (1972) (permitting the Superior Court to accept a plea of guilty without the defendant's admission to participation in the acts constituting the crime).

(5) Wright's claim that the Superior Court abused its discretion in refusing to continue his trial so he could obtain substitute counsel is without merit. Whether to grant a continuance on the day of trial lies within the sound discretion of the Superior Court.³ Unless based on clearly unreasonable or capricious grounds, a discretionary ruling on such a motion will not be disturbed by this Court.⁴ Our review of the record in this case reflects no abuse of discretion on the part of the Superior Court.

(6) Wright's third claim is that the Superior Court's refusal to continue his trial rendered his guilty plea involuntary. This claim, too, is without merit. Absent clear and convincing evidence to the contrary, Wright is bound by the representations he made during his plea colloquy.⁵ During the colloquy, the Superior Court exhaustively questioned Wright concerning his decision to plead guilty and specifically addressed the issue of attempting to withdraw the plea at a later time. It is clear from the colloquy between the Superior Court and Wright that Wright's guilty plea was knowingly and voluntarily entered.

²*Albury v. State*, Del. Supr., 551 A.2d 53, 58 (1988) (citing *Strickland v. Washington*, 466 U.S. 668, 694 (1984)).

³*Secrest v. State*, Del. Supr., 679 A.2d 58, 64 (1996) (citing *Bailey v. State*, Del. Supr., 521 A.2d 1069, 1088 (1987)).

⁴*Hicks v. State*, Del. Supr., 434 A.2d 377, 381 (1981) (citing *Raymond Heartless, Inc. v. State*, Del. Supr., 401 A.2d 921, 923 (1979)).

⁵*Somerville v. State*, Del. Supr., 703 A.2d 629, 632 (1997).

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

BY THE COURT:
/s/ Randy J. Holland
Justice