

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTHONY PORTERFIELD,	§
	§
Defendant Below-	§ No. 335, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9908003333
Plaintiff Below-	§
Appellee.	§

Submitted: April 12, 2002

Decided: May 30, 2002

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

**ORDER**

This 30th day of May 2002, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The defendant-appellant, Anthony Porterfield, filed this appeal from the Superior Court's order dated July 5, 2001, which denied his first petition for postconviction relief. We find no merit to Porterfield's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that Porterfield pleaded guilty in October 2000 to first degree robbery and possession of a firearm during the commission of a felony. In exchange for his guilty plea, the State dismissed eight other felony charges. The Superior Court sentenced Porterfield on

both charges to a total period of thirteen years at Level V incarceration suspended after eight years for five years of Level III probation. Porterfield did not appeal to this Court. Instead, in April 2001, Porterfield filed a motion in the Superior Court seeking postconviction relief pursuant to Superior Court Criminal Rule 61. Porterfield raised four claims in his petition: (i) he was denied his right to a speedy trial; (ii) his guilty plea was coerced; (iii) he was denied his right to appeal; and (iv) his trial counsel rendered ineffective assistance. The Superior Court denied Porterfield's claims. This appeal ensued.

(3) In his opening brief on appeal, Porterfield raises one argument. He contends that his trial counsel was ineffective for "failing to adversarially challenge the prosecution's case" and for allowing Porterfield to plead guilty while under the influence of drugs. In order to prevail on a claim of ineffective assistance of counsel in the context of a guilty plea, a defendant must show that: (i) counsel's representation fell below an objective standard of reasonableness; and (ii) but for counsel's unprofessional errors, the defendant would not have pleaded guilty but would have insisted on going to

trial.<sup>1</sup> A review of counsel's representation is subject to a "strong presumption that the representation was professionally reasonable."<sup>2</sup>

(4) We have reviewed the parties' contentions and the record carefully. We agree with the Superior Court's conclusion that Porterfield's allegations of ineffective assistance of counsel were conclusory and warranted summary dismissal of his Rule 61 petition. Porterfield offered no evidence that his counsel's conduct fell below an objective standard of reasonableness. With respect to his allegation that his counsel permitted him to plead guilty while under the influence of the drugs, the record reflects that counsel informed the Superior Court that Porterfield was taking a prescription antidepressant. The Superior Court questioned Porterfield about his medication and its effects. Porterfield stated that, despite his medication, he understood the gravity of his situation and desired to plead guilty.

(5) Moreover, Porterfield indicated in his signed guilty plea agreement that he was satisfied with his counsel's representation, he understood the range of penalties that could be imposed, he understood he was giving up his right to appeal, and he was pleading guilty because he had committed the offenses of which he was accused. In the absence of clear

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<sup>1</sup> *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997) (citations omitted).

and convincing evidence to the contrary, Porterfield is bound by these sworn representations to the Superior Court prior to the acceptance of the guilty plea.<sup>3</sup> He has failed to sustain his burden of proving that his counsel rendered ineffective assistance.

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

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>2</sup> *Flamer v. State*, 585 A.2d 736, 753 (Del. 1990).

<sup>3</sup> *Somerville v. State*, 703 A.2d at 632.