

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GRAYLIN HALL,	§
	§
Defendant Below-	§ No. 226, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID. 0001001994A
Plaintiff Below-	§
Appellee.	§

Submitted: October 7, 2005
Decided: December 13, 2005

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

ORDER

This 13th day of December 2005, upon consideration of the parties' brief and the record below, it appears to the Court that:

(1) The appellant, Graylin Hall, filed this appeal from the Superior Court's denial of his first motion for postconviction relief. Hall's sole argument is that he was denied the effective assistance of trial counsel. We find no merit to Hall's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that a Superior Court jury convicted Hall in July 2000 of second degree assault, second degree burglary, and possession of burglar's tools. The Superior Court found Hall to be an habitual offender and sentenced him to life in prison. This Court affirmed Hall's convictions and

sentence on direct appeal.¹ In November 2004, Hall applied for postconviction relief under Superior Court Criminal Rule 61. After considering an affidavit from Hall's trial counsel and Hall's response thereto, the Superior Court denied postconviction relief. This appeal followed.

(3) In his opening brief on appeal, Hall claims that he was denied his constitutional right to the effective assistance of counsel at trial. Specifically, Hall asserts that his counsel was ineffective in the following respects: (i) counsel's conduct at trial required the prosecutor to make numerous objections and led to the trial judge "scolding" defense counsel in front of the jury; (ii) counsel improperly mentioned a master key during his opening statement when evidence regarding the key was subject to a suppression motion that was not resolved; (iii) counsel failed to cross-examine a State witness regarding her statement to police; (iv) counsel did not adequately cross-examine another State witness and failed to object to the admission of the witness' prior statement under 11 Del. C. § 3507; and (v) defense counsel was too inexperienced, failed to investigate the case adequately and failed to present an alibi defense.

(4) In order to establish a claim of ineffective assistance of counsel, a defendant must demonstrate that: (i) defense counsel's representation fell below an objective standard of reasonableness; and (ii) but for counsel's unprofessional

¹ *Hall v. State*, 788 A.2d 118 (Del. 2001).

errors, there is a reasonable probability that the outcome of the trial would have been different.² There is a strong presumption that defense counsel's conduct was professionally reasonable.³ Moreover, a defendant must make concrete allegations of ineffectiveness and substantiate those allegations by showing actual prejudice.⁴

(5) After careful consideration of the parties' briefs and the record below, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated May 3, 2005. Defendant's conclusory allegations fail to establish either cause or prejudice. The Superior Court did not err in concluding that Hall's motion for postconviction relief was without substantive merit.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

² *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

³ *Id.* at 689.

⁴ *Zebroski v. State*, 822 A.2d 1038, 1043 (Del. 2003).