

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BARRY L. BRADLEY,	§
	§ No. 589, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 0312019460
	§
Plaintiff Below-	§
Appellee.	§

Submitted: April 13, 2007

Decided: June 5, 2007

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 5th day of June 2007, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Barry L. Bradley, filed an appeal from the Superior Court's October 17, 2006 order denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We find no merit to the appeal. Accordingly, we affirm.

(2) On March 9, 2005, Bradley pleaded guilty to Robbery in the First Degree, Possession of a Deadly Weapon During the Commission of a Felony, and Possession of a Deadly Weapon By a Person Prohibited. He was sentenced to a total of 16 years of Level V incarceration, to be

suspended after 11 years for 5 years at Level III.¹ On March 31, 2005, the Superior Court issued a corrected sentencing order that gave Bradley credit for 315 days of Level V time. Bradley did not file a direct appeal from his convictions and sentences.

(3) In this appeal, Bradley claims that his counsel provided ineffective assistance by misleading him as to the amount of prison time he would receive, thereby coercing him to plead guilty. He requests an evidentiary hearing in order to substantiate this claim.

(4) In order to prevail on a claim of ineffective assistance of counsel in connection with a guilty plea, a defendant must demonstrate that, but for his counsel's unprofessional errors, he would not have pleaded guilty, but would have insisted on proceeding to trial.² The defendant must make concrete allegations of actual prejudice, and substantiate them, or risk summary dismissal.³

(5) The transcript of Bradley's guilty plea colloquy fatally undermines his claim of ineffective assistance and a coerced guilty plea. When asked by the judge if he had committed the offenses to which he was pleading guilty, he said yes. When asked if he was satisfied with his

¹ At the time Bradley entered his plea, he already had pleaded guilty to federal robbery and weapon charges. The federal court ordered that his federal sentence would run concurrently with the sentence imposed on his state convictions.

² *Hill v. Lockhart*, 474 U.S. 52, 58 (1985).

³ *Younger v. State*, 580 A.2d 552, 556 (Del. 1990).

counsel's representation, he said yes. When asked if he was being coerced to enter the plea, he said no. When asked if anyone had promised him what his sentence would be, he said no. Finally, when asked if there were any reason why his guilty plea should not be accepted, he said no. In the absence of clear and convincing evidence to the contrary, Bradley is bound by the representations he made at his plea colloquy.⁴ We, therefore, conclude that Bradley's claims are without merit.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁴ *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997).