

SUPREME COURT OF DELAWARE

DeAngelo v. State

962 A.2d 916 (Del. 2008) · No. No. 637, 2007 · Decided October 7, 2008

SUMMARY

The Delaware Supreme Court affirmed the denial of James Christopher DeAngelo’s first motion for postconviction relief following his conviction for second-degree murder. The Court held that his ineffective-assistance claims lacked support, his due process claims concerning the weapon charge were procedurally barred, and there was no objective basis to question the trial judge’s impartiality.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Jack B. Jacobs, Justice; Berger, Justice; Jacobs, Justice; Ridgely, Justice
JURISDICTION	Delaware
DECIDED	October 7, 2008
DOCKET	No. 637, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of Delaware's denial of DeAngelo's first motion for postconviction relief.
STANDARD OF REVIEW	The Supreme Court reviewed the denial of postconviction relief for error and affirmed on the basis of the Superior Court's well-reasoned decision.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion
PARTIES	James Christopher DeAngelo v. State of Delaware

TOPICS

- state post-conviction relief
- ineffective assistance
- due process
- appellate procedure
- criminal procedure

PRACTICE AREAS

- post-conviction relief
- criminal procedure
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the Superior Court properly denied DeAngelo's ineffective-assistance-of-counsel claims because the record did not support them.
2. Whether DeAngelo's due process claims concerning prosecution of the weapon charge were procedurally barred under Superior Court Criminal Rule 61(i)(3) because they were not raised on direct appeal.
3. Whether the trial judge should have recused himself because of alleged subjective or objective bias.

HOLDINGS

1. The ineffective-assistance-of-counsel claims failed because DeAngelo's allegations concerning his 2000 criminal trial lacked support in the record.
2. The due process claims related to prosecution of the weapon charge were procedurally barred under Superior Court Criminal Rule 61(i)(3) because DeAngelo failed to raise them on direct appeal.
3. Recusal was not required because there was no objective basis for a reasonable person to question the trial judge's impartiality.

FACTUAL BACKGROUND

DeAngelo was convicted in 2000 of second-degree murder and possession of a deadly weapon during the commission of a felony. The weapon conviction was later reversed because prosecution was barred by the applicable statute of limitations, while the murder conviction remained in place and resulted in a twenty-year Level V sentence after resentencing. In his first postconviction motion, DeAngelo alleged ineffective assistance of counsel, due process violations relating to the weapon charge, and judicial bias requiring recusal.

PROCEDURAL HISTORY

A Superior Court jury convicted DeAngelo in 2000 of second-degree murder and possession of a deadly weapon during the commission of a felony. On direct appeal, the Delaware Supreme Court affirmed the murder conviction but reversed the weapon conviction as barred by the statute of limitations, and the Superior Court later resentenced DeAngelo to twenty years at Level V incarceration on the murder conviction. The Supreme Court rejected a subsequent appeal concerning alleged trial errors, stating that those issues had to be pursued through postconviction proceedings. The Superior Court denied DeAngelo's first postconviction motion, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- DeAngelo v. State, 2002 WL 714294 (Del. Apr. 22, 2002)
- DeAngelo v. State, 2003 WL 21321719 (Del. May 27, 2003)
- Los v. Los, 595 A.2d 381, 384-85 (Del. 1991)

OPINION

PER CURIAM.

JAMES CHRISTOPHER DeANGELO, Defendant Below-Appellant, v. STATE OF DELAWARE, Plaintiff Below-Appellee. No. 637, 2007. Supreme Court of Delaware. Submitted: July 11, 2008. Decided: October 7, 2008. Before BERGER, JACOBS, and RIDGELY, Justices. ORDER JACK B. JACOBS, Justice. This 7th day of October 2008, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that: (1) The appellant, James Christopher DeAngelo, filed this appeal from the Superior Court's denial of his first motion for postconviction relief.

DeAngelo's postconviction motion alleged numerous claims of ineffective assistance of counsel and other due process violations. We find no merit to DeAngelo's appeal. Accordingly, we affirm the denial of postconviction relief.

(2) The record reflects that a Superior Court jury convicted Deangelo in 2000 of second degree murder and possession of a deadly weapon during the commission of a felony. On direct appeal, this Court affirmed the conviction for second degree murder but reversed the weapon conviction because prosecution of the charge was barred by the applicable statute of limitations.[1] We remanded the matter to the Superior Court for resentencing on the murder conviction.

On remand, the Superior Court sentenced Deangelo to 20 years at Level V incarceration on the second degree murder conviction.[2] DeAngelo appealed his resentencing. We rejected the appeal because the only issues raised by DeAngelo related to alleged trial errors and not his resentencing. [3] We held that the issues raised could only be pursued through a postconviction petition.

(3) DeAngelo filed his first motion for postconviction relief on June 13, 2006. The Superior Court denied the motion, holding that DeAngelo's claims of ineffective assistance of counsel lacked support in the record.

The trial court also found that DeAngelo's claims related to the prosecution of the weapon charge were all procedurally barred by Rule 61(i)(3) because DeAngelo had failed to raise the claims on direct appeal. Finally, the Superior Court rejected DeAngelo's claims that the trial judge should have recused himself because, the judge concluded, he had no subjective bias toward DeAngelo and because there was no objective reason to question the judge's impartiality.

(4) After careful consideration of the parties' arguments on appeal, we find it manifest that the judgment below should be affirmed on the basis, and for the reasons set forth in, the Superior Court's well-reasoned decision dated August 31, 2007.

The Superior Court did not err in finding that DeAngelo's allegations of ineffective assistance of counsel during his 2000 criminal trial lacked any support in the record and that his due process claims related to the prosecution of a weapon charge were procedurally barred.

Moreover, we agree with the Superior Court's conclusion that there was no objective basis for a reasonable person to question the trial judge's impartiality in DeAngelo's case.[4] NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED. NOTES [1] DeAngelo v. State, 2002 WL 714294 (Del. Apr. 22, 2002).

[2] The Superior Court had sentenced Deangelo following trial to 15 years on each of his original convictions. [3] DeAngelo v. State, 2003 WL 21321719 (Del. May 27, 2003). [4] See Los v. Los, 595 A.2d 381, 384-85 (Del. 1991).