

SUPREME COURT OF DELAWARE

Broadnax v. State

991 A.2d 17 (Del. 2010) · No. No. 368, 2009 · Decided February 23, 2010

SUMMARY

The Delaware Supreme Court affirmed James A. Broadnax's convictions and habitual-offender sentences following his guilty pleas to second-degree assault and possession of a deadly weapon during the commission of a felony. The court rejected claims concerning ineffective assistance of counsel, involuntariness of the guilty plea, and procedural defects in habitual-offender sentencing, concluding that the appeal lacked any arguably meritorious issue.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Henry DuPont Ridgely, Justice; Steele, Chief Justice; Jacobs, Justice; Ridgely, Justice
JURISDICTION	Delaware
DECIDED	February 23, 2010
DOCKET	No. 368, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from guilty-plea convictions, habitual-offender adjudication, and sentencing in the Superior Court of Delaware. Appointed appellate counsel filed a Delaware Supreme Court Rule 26(c) brief and motion to withdraw.
STANDARD OF REVIEW	Under Delaware Supreme Court Rule 26(c), counsel must conscientiously examine the record and law for arguably appealable claims, and the Court independently reviews the record to determine whether the appeal is devoid of any arguably appealable issue. An unpreserved involuntary-guilty-plea claim is reviewed for plain error. Ineffective-assistance claims generally are not considered for the first time on direct appeal.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion
PARTIES	James A. Broadnax v. State of Delaware

TOPICS

appellate procedure

standard of review

ineffective assistance

plea bargaining

criminal procedure

PRACTICE AREAS

criminal procedure

appellate procedure

post-conviction and habeas procedure

QUESTIONS PRESENTED

1. Whether appellate counsel satisfied Delaware Supreme Court Rule 26(c) and whether the appeal presented any arguably appealable issue.
2. Whether Broadnax's ineffective-assistance claim could be considered for the first time on direct appeal.
3. Whether Broadnax's guilty plea was involuntary because of coercion or psychiatric medication.
4. Whether the Superior Court was required to hold a separate hearing on Broadnax's habitual-offender status.
5. Whether the Superior Court improperly reviewed the habitual-offender motion for the first time at sentencing.

HOLDINGS

1. The Court may grant counsel's motion to withdraw and affirm when counsel has conscientiously examined the record and law, and the Court's independent review shows that the appeal is devoid of any arguably appealable issue.
2. The Court generally will not consider an ineffective-assistance-of-counsel claim raised for the first time on direct appeal.
3. An involuntary-guilty-plea claim not raised in the Superior Court is reviewed only for plain error; the record here did not establish plain error or involuntariness.
4. A separate hearing on habitual-offender status was not required where the motion was addressed before sentencing, without objection, and defense counsel stipulated to the defendant's qualifying prior convictions and eligibility.

KEY QUOTATIONS

“First, the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for claims that could arguably support the appeal.” (¶ 2)

“Second, the Court must conduct its own review of the record and determine whether the appeal is so devoid of at least arguably appealable issues that it can be decided without an adversary presentation.” (¶ 2)

“Under these circumstances, a separate hearing on Broadnax's habitual offender status was not required.” (¶ 7)

FACTUAL BACKGROUND

On April 28, 2009, James A. Broadnax pleaded guilty to second-degree assault and possession of a deadly weapon during the commission of a felony. On May 27, 2009, the Superior Court declared him a habitual

offender and imposed the agreed sentence of eight years at Level V for assault and two years at Level V followed by six months of probation for the weapons offense. The record showed that the State filed the habitual-offender motion before sentencing, the court addressed it before sentencing, and defense counsel stipulated to Broadnax's qualifying prior convictions and eligibility.

PROCEDURAL HISTORY

Broadnax pleaded guilty in the Superior Court to second-degree assault and possession of a deadly weapon during the commission of a felony. He was later declared a habitual offender and sentenced pursuant to the plea agreement. On direct appeal, counsel filed a Rule 26(c) motion to withdraw, Broadnax submitted pro se claims, and the State moved to affirm. The Supreme Court affirmed and granted the State's motion to affirm, rendering the withdrawal motion moot.

DISPOSITION

affirmed

CASES CITED

- Penson v. Ohio, 488 U.S. 75, 83 (1988)
- McCoy v. Court of Appeals of Wisconsin, 486 U.S. 429, 442 (1988)
- Anders v. California, 386 U.S. 738, 744 (1967)
- Duross v. State, 494 A.2d 1265, 1269 (Del. 1985)
- Somerville v. State, 703 A.2d 629, 632 (Del. 1997)
- Johnson v. State, 2001 WL 379454 (Del. Supr.)