

SUPREME COURT OF THE STATE OF DELAWARE

Leatherbury v. State

No. 423, 2015 (Del. Mar. 1, 2016) · No. No. 423, 2015 · Decided March 1, 2016

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Jermaine E. Leatherbury’s motion for postconviction relief. The Court rejected his claims that his guilty plea was invalid and that defense counsel was ineffective in connection with the later investigation into misconduct in the Office of the Chief Medical Examiner’s Controlled Substances Unit. The Court granted the State’s motion to affirm and found the appeal wholly without merit.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr.; Leo E. Strine, Jr., Chief Justice; Henry duPont Ridgely Vaughn, Justice; James T. Seitz, Jr., Justice
JURISDICTION	Delaware
DECIDED	March 1, 2016
DOCKET	No. 423, 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of a motion for postconviction relief following a guilty plea; appellate counsel filed a no-merit brief and moved to withdraw under Delaware Supreme Court Rule 26(c).
STANDARD OF REVIEW	The denial of postconviction relief is reviewed for abuse of discretion and questions of law are reviewed de novo. Under Delaware Supreme Court Rule 26(c), the Court must determine whether counsel conscientiously examined the record and law for arguable claims and whether the appeal is so frivolous that it may be decided without adversary presentation.
PRECEDENTIAL VALUE	The opinion is a per curiam order; no reporter citation or express precedential designation appears in the source.
PARTIES	Jermaine E. Leatherbury v. State of Delaware

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion or committed legal error in denying Leatherbury's motion for postconviction relief.
2. Whether trial counsel was ineffective in failing to inform Leatherbury about the OCME investigation when the investigation had not occurred at the time of the guilty plea.
3. Whether the OCME investigation rendered Leatherbury's guilty plea involuntary or resulted in an unjust conviction.
4. Whether the appeal was wholly without merit under Delaware Supreme Court Rule 26(c).

HOLDINGS

1. The Superior Court did not abuse its discretion or commit an error of law in denying postconviction relief because Leatherbury did not show that counsel's representation fell below an objective standard of reasonableness and did not allege that, but for counsel's alleged errors, he would have rejected the guilty plea and insisted on going to trial.
2. Leatherbury was not entitled to postconviction relief because he alleged no facts showing that the OCME investigation rendered his guilty plea involuntary or that he was unjustly convicted.
3. The appeal was wholly without merit, counsel made a conscientious examination of the record and law, and the motion to affirm should be granted.

KEY QUOTATIONS

“Also, the Court must conduct its own review of the record and determine whether “the appeal is indeed so frivolous that it may be decided without an adversary presentation.”” (¶ 8)

“Having found “no nonfrivolous issue for appeal,” the Court concludes that Leatherbury’s appeal is “wholly without merit.”” (¶ 10)

FACTUAL BACKGROUND

Following his March 2013 arrest, Leatherbury was indicted on drug-related offenses and four counts of endangering the welfare of a child. In June 2013, he pleaded guilty to two drug-dealing offenses and one child-endangerment count in exchange for dismissal of the remaining charges and agreed to habitual-offender sentencing on the heroin charge. After a February 2014 investigation into misconduct in the OCME Controlled Substances Unit, Leatherbury filed a postconviction motion alleging that the investigation invalidated his plea and that counsel was ineffective for failing to inform him about the OCME investigation, which had not yet occurred when he pleaded guilty.

PROCEDURAL HISTORY

Leatherbury pleaded guilty in the Superior Court to drug-dealing and child-endangerment offenses and received a thirteen-year sentence, suspended after four years and completion of specified programs. He later sought postconviction relief, alleging that his plea was invalid because of an investigation into misconduct in the Office of the Chief Medical Examiner and that trial counsel was ineffective for failing to disclose the investigation. The Superior Court denied relief as without merit, and the Delaware Supreme Court affirmed after independently reviewing the record under Rule 26(c).

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)
- Dawson v. State, 673 A.2d 1186, 1190 (Del. 1996)
- Somerville v. State, 703 A.2d 629, 631 (Del. 1997)
- Ira Brown v. State, 108 A.3d 1201, 1206 (Del. 2015)
- Carrero v. State, 2015 WL 3367940, at *2 (Del. May 21, 2015)
- Patrick Brown v. State, 2015 WL 3372271, at *2 (Del. May 22, 2015)
- McMillan v. State, 2015 WL 3444673, at *2 (Del. May 27, 2015)
- Anzara Brown v. State, 117 A.3d 568, 581 (Del. 2015)
- Brewer v. State, 2015 WL 4606541, at *3 (Del. July 30, 2015)
- Aricidiacono v. State, 125 A.3d 677, 681 (Del. 2015)
- Eric Jones v. State, 2015 WL 6164086, at *3 (Del. Oct. 20, 2015)
- Dustin Jones v. State, 2015 WL 6746873 (Del. Nov. 4, 2015)
- Turnage v. State, 2015 WL 6746644, at *2 (Del. Nov. 4, 2015)