

SUPREME COURT OF THE STATE OF DELAWARE

Windsor v. State

No. 10, 2014 (Del. Aug. 28, 2014) · No. No. 10, 2014 · Decided August 28, 2014

SUMMARY

The Delaware Supreme Court affirmed William T. Windsor, III's convictions and sentences following his guilty plea to rape in the second degree and nolo contendere plea to continuous sexual abuse of a child. The Court held that the Superior Court properly declined to entertain Windsor's untimely pro se motion to withdraw his pleas and rejected his challenges concerning sentencing, coercion, prosecutorial misconduct, confrontation, and due process.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Leo E. Strine, Jr.; Leo E. Strine, Jr., Chief Justice; Holland, Justice; Ridgely, Justice
JURISDICTION	Delaware
DECIDED	August 28, 2014
DOCKET	No. 10, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions entered after Windsor pleaded guilty to second-degree rape and pleaded nolo contendere to continuous sexual abuse of a child. Appellate counsel filed a Supreme Court Rule 26(c) brief and motion to withdraw.
STANDARD OF REVIEW	Under Supreme Court Rule 26(c), the Court determines whether counsel conscientiously examined the record and law for arguably appealable claims and independently reviews whether the appeal is wholly devoid of at least arguably appealable issues. Unpreserved claims are reviewed for plain error. Sentencing review is extremely limited and generally ends when the sentence is within statutory limits.
PRECEDENTIAL VALUE	Unpublished, nonprecedential per curiam order
PARTIES	William T. Windsor, III v. State of Delaware

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QUESTIONS PRESENTED

1. Whether the Superior Court was required to entertain Windsor's last-minute pro se request to withdraw his guilty plea under Superior Court Criminal Rule 32(d) while he was represented by counsel.
2. Whether Windsor's sentences were unlawful because they exceeded sentencing guidelines, resulted from judicial bias or an alleged oral sentencing agreement, or constituted cruel and unusual punishment.
3. Whether the Superior Court plainly erred by limiting a potential trial to three days and thereby violating Windsor's Sixth Amendment confrontation right or due process rights.
4. Whether the prosecution committed misconduct by charging offenses involving two victims, bringing allegedly duplicative charges, seeking to rejoin the cases, coercing the pleas, or failing to show Windsor discovery materials.
5. Whether Windsor could raise ineffective-assistance claims for the first time on direct appeal.

HOLDINGS

1. The Superior Court properly refused to consider Windsor's tardy pro se request because he was represented by counsel, had not been permitted to participate independently, and his counsel had not endorsed or filed the motion. The request was therefore a legal nullity.
2. The sentencing challenges lacked merit because the sentences were within the statutory limits, Delaware's sentencing guidelines are voluntary and nonbinding, the record did not establish judicial bias or an enforceable oral sentencing promise, and Windsor presented no basis for an Eighth Amendment proportionality claim.
3. The confrontation and due-process claims were waived because they were not raised below, and they did not satisfy the plain-error standard.
4. Windsor failed to establish prosecutorial misconduct, unlawful duplicative charging, or coercion. The indictment could charge offenses of the same or similar character in separate counts, the charges were reduced and severed, the State's motion to rejoin was denied, and Windsor's sworn plea statements contradicted coercion.
5. The Court would not consider Windsor's ineffective-assistance claims because they were raised for the first time on direct appeal.

KEY QUOTATIONS

"Absent the endorsement of his counsel, Windsor's attempt to withdraw his guilty plea under Rule 32(d) was a legal nullity." (at 7)

"appellate review of sentences is extremely limited" (at 8)

“An error is plain when it is “so clearly prejudicial to substantial rights as to jeopardize the fairness and integrity of the trial process.”” (at 11)

FACTUAL BACKGROUND

Windsor was indicted on numerous offenses involving the daughters of his girlfriend. After the charges were severed and later reduced, Windsor pleaded guilty to second-degree rape involving one victim and nolo contendere to continuous sexual abuse of a child involving the other. During an extensive plea colloquy, he stated that his pleas were voluntary, that he had not been threatened or promised an unrecorded sentence, and that he understood the maximum potential penalty. At sentencing, he attempted to make a pro se motion to withdraw his pleas, challenged his sentences and the prosecution's conduct, and alleged violations involving confrontation, due process, and ineffective assistance.

PROCEDURAL HISTORY

A grand jury indicted Windsor on numerous sex-related offenses involving two victims. The Superior Court severed the charges involving the victims, denied Windsor's motion to suppress his statement, and later denied the State's motion to rejoin the charges. Windsor then entered guilty and nolo contendere pleas. At sentencing, the Superior Court refused to entertain Windsor's last-minute pro se request to withdraw his pleas, sentenced him to the challenged terms, and entered judgment. The Delaware Supreme Court reviewed the record under Rule 26(c) and affirmed.

DISPOSITION

affirmed

CASES CITED

- Penson v. Ohio, 488 U.S. 75, 83 (1988)
- Leacock v. State, 690 A.2d 926, 927-28 (Del. 1996)
- In re Haskins, 551 A.2d 65, 66-67 (Del. 1988)
- Chavous v. State, 953 A.2d 282, 286 (Del. 2008)
- Mayes v. State, 604 A.2d 839, 842, 845 (Del. 1992)
- Ward v. State, 567 A.2d 1296, 1297 (Del. 1989)
- Ducote v. State, 2005 WL 1200859, at *3 (Del. May 18, 2005)
- Harris v. State, 968 A.2d 32, 35 (Del. 2009)
- Wainwright v. State, 504 A.2d 1096, 1100 (Del. 1986)
- Feddiman v. State, 558 A.2d 278, 288 (Del. 1989)
- Somerville v. State, 703 A.2d 629, 632 (Del. 1997)
- Albury v. State, 551 A.2d 53, 61 (Del. 1988)
- Cooke v. State, 977 A.2d 803, 841 (Del. 2009)
- Wright v. State, 513 A.2d 1310, 1315 (Del. 1986)

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