

SUPREME COURT OF THE STATE OF DELAWARE

Benson v. State

Benson · No. No. 88, 2017 · Decided November 27, 2017

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Sirron Benson’s first motion for postconviction relief. The court held that defense counsel’s alternative argument for lesser-included offenses was a reasonable trial strategy and that Benson failed to establish ineffective assistance of counsel or prejudice under Strickland v. Washington.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Leo E. Strine, Jr., Chief Justice; Karen L. Valihura, Justice; Gary F. Traynor, Justice
JURISDICTION	Delaware
DECIDED	November 27, 2017
DOCKET	No. 88, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of Delaware's denial of Benson's first motion for postconviction relief alleging ineffective assistance of trial counsel.
STANDARD OF REVIEW	The court reviewed the ineffective-assistance claim under Strickland v. Washington, requiring proof that counsel's performance fell below an objective standard of reasonableness and that the deficient performance prejudiced the defense.
PRECEDENTIAL VALUE	Published per curiam order of the Supreme Court of Delaware; precedential status is not otherwise specified in the source text.
PARTIES	Sirron Benson v. State of Delaware

TOPICS

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

PRACTICE AREAS

criminal law

post-conviction relief

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether trial counsel provided ineffective assistance by arguing that the jury should consider lesser-included offenses after primarily arguing that Benson was not the shooter.
2. Whether counsel's alternative closing argument undermined Benson's presumption of innocence or otherwise created a reasonable probability of a different trial outcome.

HOLDINGS

1. Counsel's decision to argue lesser-included offenses in the alternative was a reasonable trial strategy and did not constitute deficient performance under Strickland.
2. Benson failed to establish prejudice because the evidence that he was the shooter was so one-sided that a different closing-argument strategy did not create a reasonable probability of a different outcome.

KEY QUOTATIONS

“That counsel’s strategy ultimately was not successful does not mean that the strategy was unreasonable or that counsel’s performance was constitutionally ineffective.” (¶ 10)

FACTUAL BACKGROUND

Benson was accused of shooting Braheem Curtis twice after an argument about fireworks in Wilmington. The State presented eyewitness and circumstantial evidence identifying Benson as the shooter, including testimony that a man matching his description discarded a .45 caliber revolver and DNA evidence consistent with Benson on the weapon; Benson also fled after the shooting. At trial, defense counsel primarily challenged identification but alternatively argued that, if the jury found Benson was the shooter, it should consider lesser-included offenses because the State had not proved the intent required for first-degree murder.

PROCEDURAL HISTORY

Benson was convicted by a jury of first-degree murder and a firearm offense and was sentenced to life imprisonment plus twenty years. The Delaware Supreme Court affirmed the convictions and sentence on direct appeal. The Superior Court denied Benson's first postconviction motion after granting postconviction counsel's motion to withdraw, and Benson appealed that denial. On appeal, he pursued only the claim that trial counsel was ineffective for arguing lesser-included offenses during closing argument.

DISPOSITION

affirmed

CASES CITED

- Benson v. State, 105 A.3d 979 (Del. 2014)

- Murphy v. State, 632 A.2d 1150, 1152 (Del. 1993)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Redden v. State, 150 A.3d 768, 773 (Del. 2016)
- Zimmerman v. State, 2010 WL 546971, at *2 (Del. Feb. 16, 2010)
- Moore v. State, 2003 WL 1987899, at *1 (Del. Apr. 28, 2003)

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