

SUPREME COURT OF DELAWARE

Morla v. State

956 A.2d 31 (Del. 2008) · No. No. 522, 2007 · Decided July 22, 2008

SUMMARY

The Delaware Supreme Court affirmed the denial of Nazario Morla's postconviction motion challenging the voluntariness of his guilty plea and alleging ineffective assistance based on inadequate Spanish-language communication. The Court held that the Superior Court did not abuse its discretion by declining to conduct an evidentiary hearing after considering Morla's response to his attorney's statement and the existing record.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Jack B. Jacobs; Berger; Jacobs; Ridgely
JURISDICTION	Delaware
DECIDED	July 22, 2008
DOCKET	No. 522, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Morla appealed the Superior Court's denial of his motion for postconviction relief following his guilty plea and sentence for trafficking in cocaine. After the Supreme Court remanded the matter to permit Morla to respond to his attorney's statement, the Superior Court again denied relief without conducting an evidentiary hearing.
STANDARD OF REVIEW	Abuse of discretion for the Superior Court's determination whether an evidentiary hearing is necessary on a motion for postconviction relief.
PRECEDENTIAL VALUE	published
PARTIES	Nazario I. Morla v. State of Delaware

TOPICS

- post-conviction relief
- ineffective assistance
- plea bargaining
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure
- ineffective assistance
- plea bargaining

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by denying Morla's postconviction motion without conducting an evidentiary hearing concerning the alleged failure to communicate in Spanish and the voluntariness of his guilty plea.
2. Whether Morla was entitled to respond directly to his attorney's statement under Superior Court Criminal Rule 61(g)(3).

HOLDINGS

1. The Superior Court did not abuse its broad discretion in determining that an evidentiary hearing was unnecessary because the submissions and record did not present an issue requiring a hearing.
2. After remand, Morla was permitted to respond to his attorney's statement, and the resulting record provided no basis for further relief or an evidentiary hearing.

KEY QUOTATIONS

“The Superior Court has broad discretion to determine whether an evidentiary hearing is necessary on a motion for postconviction relief.”

FACTUAL BACKGROUND

Morla pleaded guilty to trafficking in cocaine and later challenged the voluntariness of his plea, asserting that his attorney had not communicated with him adequately in Spanish. The record showed that Morla spoke enough English, counsel spoke enough Spanish, a Spanish interpreter was present when the plea was entered, and the plea form was completed in both English and Spanish. After Morla responded to counsel's statement on remand, the Superior Court concluded that no additional issue required an evidentiary hearing.

PROCEDURAL HISTORY

Morla pleaded guilty in March 2006 and received a sentence of seven years at Level V, suspended after four years for Level III probation. He did not file a direct appeal but filed a postconviction motion alleging that his guilty plea was involuntary because counsel failed to communicate with him in Spanish, constituting ineffective assistance. The Superior Court denied the motion, and the Supreme Court initially remanded for Morla to respond to counsel's statement under Superior Court Criminal Rule 61(g)(3). After the response was filed, the Superior Court found no new grounds and no need for an evidentiary hearing. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Maxion v. State, 686 A.2d 148, 151 (Del. 1996)

OPINION

PER CURIAM.

NAZARIO I. MORLA, Defendant Below-Appellant, v. STATE OF DELAWARE, Plaintiff Below-Appellee. No. 522, 2007 Supreme Court of Delaware. Submitted: June 20, 2008 Decided: July 22, 2008 Before BERGER, JACOBS and RIDGELY, Justices.

ORDER

JACK B. JACOBS, Justice This 22nd day of July 2008, upon consideration of the briefs on appeal, the record below, the Superior Court's April 4, 2008 report following remand, and the parties' supplemental memoranda, it appears to the Court that:

(1) In March 2006, the defendant-appellant, Nazario I. Morla, pleaded guilty to Trafficking in Cocaine. He was sentenced to 7 years of Level V incarceration, to be suspended after 4 years for Level III probation. He did not file a direct appeal, but filed a postconviction motion claiming that his guilty plea was involuntary because his attorney did not communicate with him in Spanish about the plea, thereby providing ineffective assistance. The Superior Court denied Morla's motion because the record reflected that Morla spoke enough English and his attorney spoke enough Spanish for them to communicate effectively, a Spanish interpreter was present at the time Morla pleaded guilty, and Morla's guilty plea form was completed in both English and Spanish. Morla appealed the Superior Court's decision to this Court.

(2) In his appeal, Morla asserted that a) the Superior Court should have conducted an evidentiary hearing on his motion; and b) he was not provided a copy of his attorney's response to his claim of ineffective assistance of counsel and, therefore, did not have an opportunity to directly respond to it as required by Superior Court Criminal Rule 61(g)(3). On March 7, 2008, we remanded this matter to the Superior Court to permit Morla to respond to his attorney's statement and the Superior Court to reconsider, on that basis, whether an evidentiary hearing was necessary.

(3) As reflected in the Superior Court's report following remand, Morla responded to his attorney's statement on March 18, 2008. After reviewing the response, the Superior Court determined that Morla had not presented any additional grounds not previously addressed in his postconviction motion and further determined that the response had failed to raise any issues requiring an evidentiary hearing. On that basis, the Superior Court again denied Morla's postconviction motion.

(4) Both Morla and the State filed supplemental memoranda following the filing of the Superior Court's report. In his memorandum, Morla argues that a factual dispute remains concerning whether his attorney properly communicated with him in Spanish about his guilty plea, which bears directly on whether the plea was voluntary. Therefore, Morla argues, the Superior Court abused its discretion by not conducting an evidentiary hearing on that issue. In its memorandum, the State argues that the Superior Court was within its discretion to forego an evidentiary hearing in this case, because, with the attorney's statement, Morla's response, the State's reply, and the guilty plea form, there was sufficient information to determine that Morla's claims did not have merit.

(5) The Superior Court has broad discretion to determine whether an evidentiary hearing is necessary on a motion for postconviction relief.[1] Here, there is no evidence that the Superior Court abused its discretion in determining that an evidentiary hearing was unnecessary and that Morla's response to his attorney's statement presented no further issues requiring an evidentiary hearing. We therefore conclude that the judgment of the Superior Court must be affirmed.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

NOTES

[1] Super. Ct. Crim. R. 61(h); *Maxion v. State*, 686 A.2d 148, 151 (Del. 1996).