

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILTON A. KNIGHT,	§
	§
Defendant Below-	§ No. 442, 1999
Appellant,	§
	§
v.	§ Court Below— Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN95-01-1316-18
Plaintiff Below-	§ IN95-01-1320-21
Appellee.	§

Submitted: February 3, 2000

Decided: April 5, 2000

Before **VEASEY**, Chief Justice, **WALSH** and **BERGER**, Justices

ORDER

This 5th day of April 2000, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Wilton A. Knight, filed this appeal from an order of the Superior Court denying his motion for postconviction relief pursuant to Superior Court Criminal Rule 61. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In this appeal, Knight claims that: 1) his trial counsel provided ineffective assistance by failing to conduct a reasonable pretrial investigation of the circumstances surrounding his traffic stop, failing to pursue suppression of certain evidence seized at the time of the stop and failing to adequately cross

examine a witness for the State; and 2) the Superior Court abused its discretion in taking almost five months to decide his motion and in determining that there was no basis for his claim of ineffective assistance of counsel.

(3) In October 1995, Knight was convicted by a jury of trafficking in marijuana, possession of marijuana with intent to deliver, use of a vehicle for keeping controlled substances, improper lane change and failure to use a turn signal. He was sentenced to a total of 9 years in prison at Level V on the first three offenses, to be suspended after 6 years for 3 years at Level II. Knight received fines totalling \$50 for the last two offenses. This Court affirmed Knight's convictions and sentences on direct appeal.¹

(4) In order to prevail on his claim of ineffective assistance of counsel, Knight must show that his counsel's representation fell below an objective standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that the outcome of the proceedings would have been different.² Although not insurmountable, the Strickland standard is highly

¹*Knight v. State*, Del. Supr., 690 A.2d 929 (1996).

²*Strickland v. Washington*, 466 U.S. 668, 688, 694 (1984).

demanding and leads to a “strong presumption that the representation was professionally reasonable.”³

(5) Knight’s conclusory contentions concerning the performance of his counsel are without merit. We have reviewed the record carefully and there is no indication that the representation provided by Knight’s trial counsel fell below the standard required under Strickland. Nor is there any indication that alleged errors by his counsel altered the outcome of the proceedings in a manner prejudicial to Knight.

(6) Because there is no merit to Knight’s claim that his counsel was ineffective, there is likewise no merit to his claim that the Superior Court abused its discretion in so finding. There is also no merit to Knight’s claim that the Superior Court abused its discretion in taking almost five months to decide his motion. The record indicates that Knight’s motion for postconviction relief was docketed by the Prothonotary on October 15, 1998, but was not presented to an individual judge until April 12, 1999, almost six months after the motion was filed.⁴ Once Knight’s motion was presented to an individual judge, it was

³*Flamer v. State*, Del. Supr., 585 A.2d 736, 753 (1990).

⁴This Court addressed the delay by the Prothonotary in *In re Knight*, Del. Supr., No. 349, 1999, Holland, J. (Aug. 19, 1999) (INTERIM ORDER).

decided within a reasonable time. There was no abuse of discretion by the Superior Court and no prejudice to Knight.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice