

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANNY THOMPSON,	§
	§ No. 135, 2026
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 2509013977 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: August 5, 2026

Decided: October 6, 2026

Before **SEITZ**, Chief Justice; **TRAYNOR** and **GRIFFITHS**, Justices.

ORDER

After consideration of the motion to withdraw filed by the appellant’s counsel under Supreme Court Rule 26(c), the State’s response, and the Superior Court record, it appears to the Court that:

(1) On September 26, 2025, the appellant, Danny Thompson, was arrested and charged with possession of a firearm during the commission of a felony, possession of a firearm by a person prohibited, carrying a concealed deadly weapon, and first-degree reckless endangering. On January 15, 2026, Thompson’s court-appointed attorney moved to dismiss the charges for the State’s failure to indict Thompson within forty-five days of his arrest. The motion was scheduled to be heard

on February 2. Before the motion could be heard, court-appointed counsel withdrew his appearance and the motion, and privately retained counsel entered his appearance. Privately retained counsel did not renew the motion to dismiss.

(2) On February 25, the State filed an information, charging Thompson with one count of first-degree reckless endangering. The next day, Thompson pleaded guilty as charged. The Superior Court immediately sentenced Thompson in accordance with the parties' plea agreement to five years of incarceration, suspended for one year of Level III probation. This is Thompson's direct appeal.

(3) Thompson's counsel on appeal has filed a brief and a motion to withdraw under Rule 26(c). Counsel asserts that, after a conscientious review of the record and the law, he has concluded that this appeal is wholly without merit. Counsel states that he informed Thompson of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw. Counsel also informed Thompson of his right to supplement his attorney's presentation. Thompson has raised issues for the Court's consideration. The State has responded to counsel's motion to withdraw as well as Thompson's arguments and asks the Court to affirm the Superior Court's judgment.

(4) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief under Rule 26(c) is twofold. First, the Court must be satisfied that defense counsel has made a conscientious

examination of the record and the law for arguable claims.¹ Second, 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.”²

(5) On appeal, Thompson does not challenge the validity of his guilty plea. Rather, Thompson complains that the Superior Court never ruled on the motion to dismiss and that he was never indicted. Thompson also appears to argue that privately retained counsel was ineffective for failing to renew the motion to dismiss. Thompson’s claims are unavailing.

(6) It is well-settled that a knowing, intelligent, and voluntary guilty plea waives a defendant’s right to challenge any errors that occurred before the entry of the plea, “even those of constitutional dimension.”³ Here, the record supports a finding that Thompson knowingly, intelligently, and voluntarily pleaded guilty with a full understanding of the rights he was waiving.

(7) On the Truth-in-Sentencing Guilty Plea Form signed by Thompson and presented to the Superior Court, Thompson checked “yes” to the question: “Do you understand that because you are pleading guilty you will not have a trial, and you

¹ *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wis.*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).

² *Penson*, 488 U.S. at 82.

³ *Smith v. State*, 2004 WL 120530, at *1 (Del. Jan. 15, 2004) (citing *Tollet v. Henderson*, 411 U.S. 258, 267 (1973) (reaffirming the principle that “a guilty plea represents a break in the chain of events [that] has preceded it in the criminal process.”)).

therefore waive (give up) your constitutional rights... (3) to a speedy and public trial by jury.” And during the plea colloquy with the Superior Court, Thompson acknowledged that his attorney had explained to him the constitutional rights that he was giving up by pleading guilty. Finally, Thompson answered in the affirmative when the court asked him, “You waived your right to have this matter proceed to a grand jury. You’re proceeding by Attorney General Information only. Right?”

(8) Under the circumstances, Thompson entered into the plea with full knowledge of the rights he was waiving by pleading guilty to one count of first-degree reckless endangering. These rights included his right to a speedy trial and his right to have his charges presented to a grand jury. To the extent that Thompson claims privately retained counsel was ineffective, typically we will not consider ineffective-assistance-of-counsel claims on direct appeal.⁴

(9) The Court has reviewed the record carefully and has concluded that Thompson’s appeal is wholly without merit and devoid of any arguably appealable issues. We also are satisfied that counsel made a conscientious effort to examine the record and the law and properly determined that Thompson could not raise a meritorious claim on appeal.

⁴ See *Desmond v. State*, 654 A.2d 821, 829 (Del. 1994).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED. Counsel's motion to withdraw is moot.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice