

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

CHARLES LOWE,

Defendant.

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Case No. 2304002950

Submitted: August 27, 2025

Decided: October 27, 2025

**ORDER DENYING DEFENDANT CHARLES LOWE’S
MOTION TO WITHDRAW GUILTY PLEA**

This 27th day of October 2025, upon consideration of Defendant Charles Lowe’s Motion to Withdraw Guilty Plea (the “Motion”),¹ the State’s response, and all subsequent submissions regarding the Motion:

1. On the morning his first-degree murder trial was set to begin, Lowe pleaded guilty to second-degree murder and other charges. In doing so, Lowe made representations to the Court that he understood the charges and the consequences of his guilty plea, was not forced to accept the plea, and was satisfied with his counsel’s representation. Lowe now seeks to withdraw his plea based on assertions that contradict the representations he made when he accepted it. Because statements made during a plea are presumed to be truthful, the burden to undo their binding

¹ D.I. 59 (hereinafter “Mot.”).

effect is formidable. Lowe's assertions do not overcome that high burden. The Motion is therefore denied.

I. BACKGROUND

2. On June 5, 2023, a grand jury returned an indictment charging Lowe with the murder of Bryan Pedroza. The indictment brought charges for: (i) Murder First Degree (intentional murder), (ii) Murder First Degree (felony murder), (iii) Conspiracy First Degree, (iv) Conspiracy Second Degree, (v) Robbery First Degree, (vi) three counts of Possession of a Firearm During Commission of a Felony, and (vii) Possession of a Firearm by a Person Prohibited.²

3. Jury selection occurred on Thursday, October 3, 2024, and trial was scheduled to begin the following Monday, October 7, 2024.³ Lowe states that, during the weekend between, he received multiple plea offers and had multiple discussions with his counsel.⁴

4. On the morning that trial was set to begin, Lowe accepted a plea offer.⁵ Specifically, Lowe pled guilty to: (i) Murder Second Degree, (ii) Conspiracy First Degree, (iii) Robbery First Degree, and (iv) one count of Possession of a Firearm

² D.I. 2.

³ See D.I. 24; D.I. 47.

⁴ Mot. ¶ 6.

⁵ See D.I. 49.

During Commission of a Felony.⁶ The minimum consecutive penalty for these charges is 21 years and the maximum is life in Level V incarceration.⁷ In exchange, the State agreed not to prosecute the remaining charges in the indictment and in another pending case against Lowe and to make a joint recommendation of 35 years of Level V time.⁸

5. Lowe executed the Plea Agreement and a Truth-in-Sentencing Guilty Plea Form,⁹ after which the Court conducted an extensive colloquy with him. As counsel had discussed with him before,¹⁰ the Court again informed Lowe of the minimum mandatory and maximum possible penalties and the rights he was giving up by pleading guilty.¹¹ The Court asked Lowe if he was coerced to enter into the plea, and he responded that he was not.¹² The Court then asked Lowe if he was satisfied with his counsel's representation and that counsel had fully advised him of his rights.¹³ Lowe responded that he was satisfied and had been fully advised of his

⁶ *Id.*

⁷ *Id.*; *see also* D.I. 56, at 5 (hereinafter "Plea Tr.").

⁸ *See* D.I. 49; Plea Tr. at 4. The other pending case was No. 2303014698. Plea Tr. at 2.

⁹ *See* D.I. 49.

¹⁰ *See* Plea Tr. at 4-5.

¹¹ *Id.* at 8-9.

¹² *Id.* at 7.

¹³ *Id.* at 9.

rights.¹⁴ The Court read each of the charges to which Lowe was pleading and asked how he pled.¹⁵ Lowe responded that he was pleading guilty to each charge and that he was doing so because he committed each offense.¹⁶ The Court found that Lowe's plea was "knowingly, intelligently, and voluntarily made with an understanding of the nature of the charges and the consequences."¹⁷ The Court ordered a presentencing investigation and deferred sentencing.¹⁸

6. Before sentencing was scheduled, on December 12, 2024, Lowe filed a pro se motion to withdraw his plea.¹⁹ His pre-trial defense counsel then filed a motion to withdraw and for new counsel to be appointed.²⁰ That motion was unopposed, and the Court granted it.²¹ The Office of Conflicts Counsel assigned current defense counsel to represent Lowe, and current defense counsel filed the presently operative amended motion.²² As ordered by the Court, pre-trial defense

¹⁴ *Id.*

¹⁵ Plea Tr. at 10-13.

¹⁶ *Id.*

¹⁷ *Id.* at 13.

¹⁸ *Id.* at 14.

¹⁹ D.I. 51.

²⁰ D.I. 52.

²¹ D.I. 55.

²² D.I. 57; Mot.

counsel filed an affidavit in response to certain assertions in the Motion.²³ The State then filed its response to the Motion.²⁴ Current defense counsel filed Lowe’s reply in further support of the Motion,²⁵ and then filed a letter supplementing that reply.²⁶ The State filed a letter responding to Lowe’s supplemental letter.²⁷ The parties agreed that this matter could be decided without an evidentiary hearing.²⁸

II. ANALYSIS

7. Under Rule 32(d) the Court has discretion to grant or deny a motion for to withdraw a guilty plea made before sentencing.²⁹ A defendant “has no absolute right” to withdraw a plea.³⁰ Rather, the defendant bears the “substantial” burden of demonstrating that withdrawal is warranted for “any fair and just reason.”³¹

8. To determine whether a defendant has met this burden, the Court considers the following questions:

²³ D.I. 62.

²⁴ D.I. 63 (hereinafter “Resp.”).

²⁵ D.I. 64.

²⁶ D.I. 69.

²⁷ D.I. 70.

²⁸ D.I. 65; D.I. 67.

²⁹ *See State v. Carney*, 2022 WL 17087057, at *3 (Del. Super. Nov. 18, 2022) (citing Super. Ct. Crim. R. 32(d); *State v. Phillips*, 2007 WL 3105749, at *1 (Del. Super. Sept. 20, 2007)).

³⁰ *Id.* (citing *United States v. Wilson*, 429 F.3d 455, 458 (3d Cir. 2005)).

³¹ *Id.* (first quoting *United States v. Jones*, 336 F.3d 245, 252 (3d Cir. 2003); and then quoting Super. Ct. Crim. R. 32(d)).

- (a) Was there a procedural defect in taking the plea?
- (b) Did the defendant knowingly, voluntarily, and intelligently consent to the plea agreement?
- (c) Does the defendant presently have a basis to assert legal innocence?
- (d) Did the defendant have adequate legal counsel throughout the proceedings?
- (e) Does granting the motion prejudice the State or unduly inconvenience the Court?³²

“The Court does not balance these factors.”³³ Rather, “[c]ertain of the factors, standing alone, will themselves justify relief.”³⁴ The Court considers each factor in turn.

A. THERE WAS NO PROCEDURAL DEFECT IN THE PLEA.

9. A defendant entering a guilty plea is afforded “numerous protections.”³⁵ These include the requirement that the trial judge, in open court, must determine that the defendant understands the nature of the charges and penalties, that the plea is a waiver of a trial and related constitutional rights, and that the plea is not

³² See *State v. Bond*, 2025 WL 428569, at *2 (Del. Super. Feb. 3, 2025) (citing *Scarborough v. State*, 938 A.2d 644, 649 (Del. 2007); *State v. Friend*, 1994 WL 234120, at *2 (Del. Super. May 12, 1994)).

³³ *Carney*, 2022 WL 17087057, at *3 (citing *Patterson v. State*, 684 A.2d 1234, 1239 (Del. 1996)).

³⁴ *Id.* (quoting *Patterson*, 684 A.2d at 1239).

³⁵ *Bond*, 2025 WL 428569, at *3 (quoting *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997)).

a result of any coercion or promises apart from the plea agreement.³⁶ Here, the Court afforded those protections to Lowe, and he does not assert any procedural defect in taking his plea.³⁷

B. LOWE HAS NOT SHOWN THAT HIS PLEA WAS NOT ENTERED INTO KNOWINGLY, VOLUNTARILY, AND INTELLIGENTLY.

10. The statements a defendant makes during his plea colloquy “are ‘presumed to be truthful’ and pose a ‘formidable barrier to a collateral attack on a guilty plea.’”³⁸ Accordingly, a defendant will be bound by these statements unless he can show “clear and convincing evidence to the contrary.”³⁹

11. During his colloquy, Lowe at no point suggested or implied that his plea was not knowingly, voluntarily, and intelligently entered. He told the Court that he was satisfied with his legal representation, denied being forced into pleading guilty, and stated that he understood all the terms of his plea agreement.⁴⁰ After the Court read each charge to which he was pleading, Lowe indicated that he understood it and pled guilty.⁴¹ He also confirmed that he understood, gave truthful answers on,

³⁶ See *Somerville*, 703 A.2d at 631-32 (citations omitted).

³⁷ See Mot. ¶¶ 10-11.

³⁸ *Carney*, 2022 WL 17087057, at *3 (first quoting *Somerville*, 703 A.2d at 632; and then quoting *Blackledge v. Allison*, 431 U.S. 63, 64 (1977)).

³⁹ *Id.* (citing *Somerville*, 703 A.2d at 632).

⁴⁰ Plea Tr. at 6-9.

⁴¹ *Id.* at 10-13.

and voluntarily signed his plea agreement and Truth-In-Sentencing Guilty Plea Form.⁴² Lowe further indicated that he agreed with everything his counsel said on the record regarding his plea offer and agreement.⁴³ Lowe’s counsel noted that he had spoken with Lowe multiple times leading up to his plea and believed Lowe entered it “knowingly, voluntarily, and intelligently.”⁴⁴ Likewise, in observing and interacting with Lowe during his plea colloquy, the Court observed no indication that Lowe’s plea was not entered knowingly, voluntarily, and intelligently.⁴⁵

12. Lowe has not presented evidence to overcome “the heavy presumption of truthfulness that his statements carried.”⁴⁶ Lowe first contends that he was not properly given medication for depression leading up to his plea.⁴⁷ This Court has declined to withdraw guilty pleas on the basis of an alleged change in or need for medication in the absence of some showing of how the medication affected the ability of the defendant to act knowingly and voluntarily.⁴⁸ Moreover, the State has

⁴² *Id.* at 6-7, 9-10.

⁴³ *Id.* at 5.

⁴⁴ *Id.* at 4-5.

⁴⁵ Plea Tr. at 13; *State v. Sykes*, 2012 WL 1413958, at *5 (Del. Super. Feb. 17, 2012) (“[T]he undersigned judge observed the defendant carefully while taking the plea and saw no indication that Defendant’s plea was not voluntary, knowingly, and intelligently proffered.”).

⁴⁶ *See Bond*, 2025 WL 428569, at *3.

⁴⁷ *See Mot.* ¶ 22; D.I. 64.

⁴⁸ *See, e.g., Sykes*, 2012 WL 1413958, at *5 (“Even though it may be possible that a need for mental health medication existed at the time of plea, Defendant has not

submitted documentation showing that Lowe was given his medication, albeit on occasion later than usual.⁴⁹ Presented with this documentation, Lowe responds only that he does not recall receiving his medication at certain times while acknowledging that he received it the evening before he entered his plea.⁵⁰ Lowe’s pre-trial counsel also indicated by affidavit that during their discussions “[a]t no time did it appear to Counsel that Mr. Lowe had any trouble comprehending what he was told.”⁵¹ Lowe has not presented clear and convincing evidence indicating that any medication changes undermined the voluntariness of his plea.

13. Second, Lowe contends that his plea was not voluntary because he felt pressured by his attorneys, who “told him he would ‘lose’ if he went to trial.”⁵² He also states that he felt pressured because during a video meeting “his attorneys . . . encouraged [Lowe’s] wife to advise him that he should take the plea, which she did.”⁵³ This Court has rejected similar contentions of attorney and family pressure

demonstrated by clear and convincing evidence that without medication he could not knowingly, intelligently or voluntarily understand the consequences of his action.”); *see also Bond*, 2025 WL 428569, at *2-3 (finding plea entered voluntarily despite argument defendant “was dazed, confused and anxious from medication he took on the morning of trial when he entered the plea”).

⁴⁹ *See* Resp. ¶ 19, Ex. A.

⁵⁰ *See* D.I. 69.

⁵¹ D.I. 62.

⁵² *See, e.g.*, Mot. ¶ 14.

⁵³ *See id.* ¶ 23.

as insufficient to withdraw a guilty plea.⁵⁴ Lowe’s contentions are directly contrary to his representations that his plea was entered voluntarily and without coercion. His assertions now that he felt pressured by his attorneys and wife are insufficient to undermine those prior representations. The Court also discusses Lowe’s contentions regarding his attorneys further below.

C. THERE IS NO PRESENT BASIS TO ASSERT INNOCENCE.

14. Because criminal defendants are “presumptively bound by their representations to the Court,” after pleading guilty, a “defendant must present ‘some other support’ to overcome their plea and assert innocence.”⁵⁵

15. Lowe does not provide a basis to assert innocence. The closest Lowe’s Motion comes to asserting innocence is stating that he “denies events transpired the way [one] witness has stated” and contends that the witness “is lying about many things.”⁵⁶

16. Contrary to any claim of innocence, the Motion acknowledges the significant evidence against Lowe that the State may have introduced at trial. This

⁵⁴ See, e.g., *Hartman v. State*, 918 A.2d 338 (Del. 2007) (affirming denial of motion to withdraw plea where defendant asserted that “he had been pressured into pleading guilty by his attorney and his family”); *Carney*, 2022 WL 17087057, at *6 (denying motion where defendant claimed attorney “‘pressured’ him into pleading guilty by pointing out that ‘he would be convicted if the State’s witness took the stand’”).

⁵⁵ *Carney*, 2022 WL 17087057, at *4 (first citing *Somerville*, 703 A.2d at 632; and then quoting *State v. McNeill*, 2001 WL 392465, at *3 (Del. Super. Apr. 5, 2001)).

⁵⁶ See Mot. ¶ 19.

includes statements of a witness who claims to have participated in luring the victim and to have witnessed his killing.⁵⁷ It also includes Lowe’s DNA near the scene and video surveillance showing what is believed to be his vehicle.⁵⁸

17. Lowe has not provided any evidence supporting his innocence. This factor does not support his Motion.

D. LOWE HAS NOT SHOWN THAT HIS LEGAL COUNSEL WAS INADEQUATE.

18. Much of Lowe’s Motion is focused on arguing that his counsel was ineffective. A claim that counsel provided ineffective assistance is governed by “the two-factor standard originally outlined in *Strickland v. Washington*.”⁵⁹ A defendant seeking to withdraw a guilty plea on this basis must show: (1) “counsel’s representation fell below an objective standard of reasonableness;” and (2) “counsel’s actions were so prejudicial ‘that there is a reasonable probability that, but for counsel’s errors, [the defendant] would not have pleaded guilty and would have insisted on going to trial.’”⁶⁰ In evaluating counsel’s performance, “[a] court must

⁵⁷ See *id.* ¶ 17.

⁵⁸ See *id.* ¶ 18.

⁵⁹ *Carney*, 2022 WL 17087057, at *5 (citing *Strickland v. Washington*, 466 U.S. 668 (1984); *Albany v. State*, 551 A.2d 53, 58 (Del. 1988)).

⁶⁰ *Id.* (quoting *Hill v. Lockhart*, 474 U.S. 52, 59 (1985)).

indulge in a *strong presumption* that counsel’s conduct falls within the wide range of reasonable professional assistance.”⁶¹

19. Lowe contends that his attorneys were ineffective because they “rushed him and coerced him into a plea.”⁶² Because they “kept telling him he would be convicted,” Lowe states that he believed his attorneys “were not on his side” and “would not represent him zealously at trial.”⁶³ These contentions do not show Lowe’s counsel was ineffective.

20. “[T]he fact that a lawyer gives a client a realistic assessment of the evidence does not preclude the lawyer from zealously advocating for the client at trial.”⁶⁴ Lowe’s assertion that his lawyers would not zealously represent him at trial because they privately advised him that he would likely be convicted runs contrary to the role of an attorney and is unsupported by the record. Leading up to trial, Lowe’s attorneys filed and argued multiple evidentiary motions.⁶⁵ Counsel advocated for, among other things, excluding and suppressing certain text messages and other information obtained from Lowe’s phone,⁶⁶ as well as excluding certain

⁶¹ *Id.* (quoting *Strickland*, 466 U.S. at 669).

⁶² Mot. ¶ 21.

⁶³ *Id.* ¶¶ 14, 21.

⁶⁴ *Carney*, 2022 WL 17087057, at *6.

⁶⁵ *See* D.I. 38; D.I. 40; D.I. 48.

⁶⁶ *See* D.I. 38; D.I. 40.

statements made by Lowe's co-defendant.⁶⁷ It thus appears that while they were privately giving their client their "honest appraisals of the relative strength of the evidence," Lowe's counsel was publicly advocating to best position their client for trial, including by moving to exclude some of that evidence where there was a good faith basis to do so. That is precisely the role of a criminal defense attorney.

21. Lowe's assertion that his attorneys were ineffective also runs contrary to his statements to the Court that he was satisfied with his counsel's representation and that they had fully advised him of his rights.⁶⁸ Lowe has not offered evidence that his counsel was ineffective, let alone evidence that would be sufficient to overcome his prior statements to the contrary.

E. GRANTING WITHDRAWAL WOULD PREJUDICE THE STATE AND UNDULY INCONVENIENCE THE COURT.

22. Where, as here, "a defendant has failed to demonstrate that the other factors support a withdrawal of the plea," the State "need not show . . . prejudice."⁶⁹ The Court nonetheless offers a brief analysis of this factor here.

23. Lowe contends that the State would not be unduly prejudiced by granting this Motion because this case "does not appear to have so many civilian

⁶⁷ D.I. 48.

⁶⁸ See Plea Tr. at 9.

⁶⁹ *State v. Barksdale*, 2015 WL 5676895, at *6 (Del. Super. Sept. 14, 2015) (quoting *Jones*, 336 F.3d at 252).

witnesses” as other cases and trial may be “somewhat shorter than originally discussed.”⁷⁰ He also observes that this Court “is in the business of conducting trials,” which he contends means the Court “would not be inconvenienced.”⁷¹

24. Granting Lowe’s Motion would prejudice the State and unduly inconvenience the Court. As the State points out, Lowe’s plea was given on the morning of trial, when the State had prepared its case and for testimony from civilian, law enforcement, and scientific witnesses, as well as a cooperating co-defendant.⁷² Both the State and the Court expended substantial time and energy preparing for trial in this case, and much of those efforts would need to be repeated if trial were rescheduled now.

25. Although the Court does not rely heavily on this factor, combined with Lowe’s failure to demonstrate any of the other factors, prejudice to the State and undue inconvenience to the Court further weigh against granting the Motion.

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⁷⁰ Mot. ¶ 25.

⁷¹ *Id.*

⁷² *See* Resp. ¶ 21.

For the foregoing reasons, Defendant Charles Lowe's Motion to Withdraw Guilty Plea is **DENIED**. The presentence investigation previously ordered shall be completed and a sentencing date shall be set.

IT IS SO ORDERED.

/s/ Patricia A Winston
Patricia A. Winston, Judge

Original to Prothonotary

cc: Diane M. Coffey, Esquire
John S. Taylor, Esquire, Department of Justice
Dominic Carrera, Jr., Esquire, Department of Justice
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