

SUPERIOR COURT
OF THE
STATE OF DELAWARE

WILLIAM C. CARPENTER, JR.
JUDGE

NEW CASTLE COUNTY COURTHOUSE
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March 19, 2015

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RE: State of Delaware v. Christopher Shweda
ID Nos. 1203024880, 1208000889, 1209016855

On Defendant's Motion to Withdraw Guilty Plea - DENIED

Dear Counsel:

The Court has before it Defendant's Motion to Withdraw Guilty Plea. The Motion alleges that if the Defendant was aware, at the time the plea was entered, the extent of the criminal investigation into the Office of the Chief Medical Examiner (OCME) he would have not entered his plea. In particular the assertion is that if the Defendant was aware that Mr. Woodson, an employee of OCME who has been indicted in the investigation of the lab, was an individual in the chain of custody involved in his case, it would have affected his decision. The Court finds the Defendant's contentions to be without merit and will deny the Motion.

The Defendant pled guilty to three counts of Drug Dealing, one count of Conspiracy to Commit Racketeering and one count of Promoting Prison Contraband on March 4, 2013 before Judge Richard Cooch. The plea incorporated and resolved matters from three separate cases that were pending at the time. A presentence investigation was ordered and Defendant was scheduled for sentencing. However, before sentencing, he filed a Motion to Withdraw the plea asserting that he was innocent of the charges. The Motion was resolved by

Judge Cooch on February 4, 2014 when the Motion was denied. Judge Cooch's Letter Opinion set forth in detail the representations made by the Defendant during his plea colloquy and the procedural posture of the case up to that point. As such, the Court will not repeat that background in this Opinion.

On March 6, 2014, a second Motion to Withdraw was filed; this time asserting that the ongoing investigation of the OCME would have affected his decision to plead. The Motion was subsequently withdrawn by counsel after receiving additional information from the State. It is unclear to the Court, except for perhaps the Defendant's discontent with counsel's action, as to what has led to the latest filing. But on July 12, 2014, just seven days before his scheduled sentencing date, the Defendant filed his third Motion to Withdraw Guilty Plea; this time, again asserting that if he had been aware of the OCME investigation he would not have agreed to plea to the charges.

As previously indicated, the Court will not repeat the clear unequivocal admissions made by the Defendant during his plea colloquy on March 4, 2013 that he committed the offenses. The decision of Judge Cooch that the plea was entered knowingly, willingly and intelligently is well-founded and supported by the record. It is also clear to the Court that the issues being raised now are similar to those decided by the Delaware Supreme Court in *Brown v. State*¹ which found that by pleading guilty Brown had given up his rights to trial and his right to learn of any impeachment evidence. Like *Brown*, the allegations here and the evidence Defendant is claiming would affect his plea decision would have only been relevant at the trial, a right he has waived.

However, aside from the legal impediments, set forth above, to granting the Motion, factually it simply cannot be supported. There are only two lab reports from evidence submitted by the New Castle County Police Department that specifically relate to the Defendant. The chain of custody documents as well as the lab reports themselves in these matters reflect that while Mr. Woodson may have received the evidence into the lab, he had nothing to do with the actual testing of that material thereafter. This was done by other chemists for which there are no allegations of any impropriety. Therefore, the fact that Mr. Woodson received the evidence would have been meaningless to the issue of whether the drugs tested were actually a controlled substance which would have affected the Defendant's decision whether to plead.

The evidence developed from the OCME investigation reflects that drugs were taken from the lab and used for personal consumption or resale. There is

¹ *Brown v. State*, 2015 WL 307389, at *4 (Del. Jan. 23, 2015).

absolutely no evidence or even a suggestion that drugs for some cases have been planted in a Defendant's case to obtain a conviction. The only fair reading of the evidence here is that Mr. Woodson received the drugs from the police, placed them in the evidence locker at the lab and they were eventually tested by another chemist. Obviously, it is that test that would have influenced the Defendant's decision. There is no conduct of Mr. Woodson that would in any way be applicable to the Defendant's ultimate decision to plead guilty. To suggest that Mr. Woodson's conduct would in any way influence the Defendant's decision to plea when he was facing charges in three separate indictments as an habitual offender is simply not credible.

As a result, the Court will deny the Defendant's Motion to Withdraw Guilty Plea, and this matter will proceed with sentencing before Judge Johnston on March 20, 2015 as scheduled.

Sincerely yours,

/s/ William C. Carpenter, Jr.

Judge William C. Carpenter, Jr.

WCCjr:twp

cc: Judge Cooch
Judge Johnston
Prothonotary