

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cr. ID Nos. 2207013452
	)	2207016353
TYLER SIMPSON,	)	
	)	
Defendant.	)	

Submitted: August 4, 2025
Decided: October 14, 2025

**COMMISSIONER’S REPORT AND RECOMMENDATION THAT
DEFENDANT’S RULE 61 MOTION FOR POSTCONVICTION RELIEF
SHOULD BE DENIED**

James K. McCloskey and Isaac A. Rank, Deputy Attorneys General, Department
of Justice, Wilmington, Delaware, Attorney for the State

Tyler Simpson, James T. Vaughn Correctional Center, Smyrna, Delaware, *pro se*.

PARKER, Commissioner

Defendant Tyler Simpson's Rule 61 motion for postconviction relief should be denied for the reasons set forth below.

PROCEDURAL HISTORY

On October 24, 2022, Defendant Tyler Simpson and his two co-defendants, Justin Locke and Jeffrey Labarge, were indicted on the charges of Murder in the First Degree, Possession of a Firearm During the Commission of a Felony ("PFDCF"), Kidnapping First Degree, Conspiracy First Degree, and two counts of Conspiracy Second Degree. These charges arose out of the beating, kidnapping, shooting and burning death of Kevin Goodson on July 23-24, 2022.¹

On October 10, 2023, Simpson pled guilty to: (1) an amended charge of Murder in the Second Degree (a lesser included offense of Murder in the First Degree); (2) Kidnapping First Degree; and (3) Conspiracy First Degree. The State dismissed all the remaining charges in the indictment as part of the plea.²

On March 8, 2024, the Court sentenced Simpson as follows: (1) Murder Second Degree- Life suspended after 35 years at Level V to be served pursuant to 11 *Del. C.* § 4204(k); (2) Kidnapping First Degree- 20 years at Level V suspended after 5 years followed by probation; and (3) Conspiracy First Degree- 5 years at

¹ As to Criminal No. 2207016353- D.I. 3 (Indictment).

² As to Criminal No. 2207016353- D.I. 26 (Plea Agreement).

Level V suspended for probation. Thus, Simpson was sentenced to a total unsuspended prison term of 40 years, followed by decreasing levels of probation.³

When sentencing Simpson, the Court found the existence of a number of aggravating factors, including excessive cruelty, undue depreciation of offense and vulnerability of victim. The Court also found the mitigating factor of acceptance of responsibility.⁴

Simpson did not file a direct appeal.

On May 27, 2024, Simpson filed a motion for modification of sentence which was denied by the Superior Court on June 13, 2024.⁵ On June 4, 2025, Simpson filed a motion for correction of illegal sentence,⁶ which was denied by the Superior Court on June 20, 2025.⁷ On July 3, 2025, Simpson filed a motion for reconsideration of the denial of his motion for correction of illegal sentence,⁸ which was denied by the Superior Court on July 21, 2025.⁹

³ As to Criminal No. 2207016353- D.I. 25 (Sentencing Order).

⁴ March 8, 2024 Sentencing Transcript, at pgs. 55-57.

⁵ As to Criminal Action No. 2207016353- D.I. 27 (Order denying Motion for Modification of Sentence).

⁶ As to Criminal Action No. 2207016353- D.I. 40 (Motion for Correction of Illegal Sentence).

⁷ As to Criminal Action No. 2207016353- D.I. 42 (Order denying Motion for Correction of Illegal Sentence).

⁸ As to Criminal Action No. 2207016353- D.I. 43 (Motion for Reconsideration of Denial of Correction of Illegal Sentence).

⁹ As to Criminal Action No. 2207016353- D.I. 44 (Order denying Motion for Reconsideration of Denial of Correction of Illegal Sentence).

FACTS

The criminal charges stemmed from Simpson's conduct on July 23-24, 2022. In the late evening of July 23, 2022, Simpson and his co-defendants viciously assaulted the victim, Kevin Goodson, leaving him motionless in a parking lot. Later they returned to retrieve the motionless Goodson and moved him to a secluded steel mill where they dumped him in the dirt. They purchased a can of gas and returned to the steel mill where they again moved Goodson to an even more secluded spot and then shot him, doused his body with gasoline, and set his body on fire.

The Beating, Kidnapping and Killing of Goodson

On July 23, 2022, at approximately 11:04 p.m., the victim, Kevin Goodson, entered a convenience store at a Sunoco Gas Station on Philadelphia Pike, while Simpson and his two co-defendants, Locke and Labarge, were already inside. Goodson said something that Locke did not like in the convenience store.¹⁰ The interaction between Locke and Goodson was captured on video surveillance.¹¹

After Goodson exited the convenience store, Simpson and his two co-defendants followed Goodson and viciously attacked him in a three-on-one attack.¹² The surveillance footage from Claymont Auto Repair, located on Philadelphia Pike, showed that at approximately 11:13 p.m., Goodson was walking along Philadelphia

¹⁰ March 8, 2024 Sentencing Transcript, at pgs. 20-21, 60.

¹¹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 14.

¹² *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 6-8.

Pike when he was viciously assaulted by Simpson and his two co-defendants. The surveillance footage showed Simpson hold up his hand in front of Goodson before Locke approached and sucker-punched Goodson from behind. Simpson and his co-defendants continued to punch and kick Goodson until they left him unconscious on the ground. Simpson continued to punch and kick Goodson even after he had fallen to the ground.¹³

Simpson and his co-defendants then found somebody in the Knollwood neighborhood to go check on Goodson. They paid the person with drugs to check on Goodson.¹⁴ They wanted Goodson checked on, not to see if Goodson was okay, but to see how bad he was.¹⁵ That person went to the Claymont Auto Repair parking lot where Goodson laid motionless and reported back that Goodson was still alive but not doing well.¹⁶

¹³ March 8, 2024 Sentencing Transcript, at pgs. 21, 45, 60; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 6-8; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 1.

¹⁴ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

¹⁵ March 8, 2024 Sentencing Transcript, at pgs. 22.

¹⁶ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

Either Simpson or Labarge suggested getting Goodson help, but Locke told his co-defendants that they could not do so because Locke was on probation and had a child and therefore could not get in any more trouble. The three defendants then agreed to “get rid of” Goodson.¹⁷

At approximately 11:39 p.m., Locke drove his vehicle, a red Nissan Rogue, to the Claymont Auto Repair parking lot. Simpson and Labarge exited the vehicle and loaded Goodson into the trunk as Locke remained in the driver’s seat. Once Goodson was loaded inside the trunk, Simpson and Labarge got back into the vehicle and Locke drove away.¹⁸ Locke drove to a secluded steel mill where they dumped Goodson leaving him in the dirt.¹⁹

After dumping Goodson in the dirt in the secluded steel mill, Locke drove back to the Knollwood neighborhood to have the man they hired to check on Goodson’s status buy gasoline for them. The three defendants planned to kill Goodson and then burn him to destroy the evidence.²⁰

¹⁷ March 8, 2024 Sentencing Transcript, at pgs. 44-45, 60.

¹⁸ March 8, 2024 Sentencing Transcript, at pgs. 44-45, 61; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pgs. 1-2,4.

¹⁹ March 8, 2024 Sentencing Transcript, at pgs. 22-23, 44-45, 61; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pgs. 3-4.

²⁰ March 8, 2024 Sentencing Transcript, at pgs. 44-45; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

Surveillance footage from the Chichester Sunoco showed Locke's vehicle arriving in the parking lot and a man, consistent with the person who went to check on Goodson after the assault, get out and purchase a can of gasoline.²¹ Simpson was in Locke's vehicle when they bought the gas from the gas station.²²

After dropping the man who had purchased the gasoline off at the Knollwood neighborhood, Simpson and his two co-defendants went back to the steel mill.²³ When they returned to Goodson at the steel mill, Goodson was no longer breathing.²⁴ They moved Goodson to another location at the steel mill along the Delaware River. They then shot Goodson multiple times, doused his body with gasoline, and set his body on fire.²⁵

²¹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 24.

²² March 8, 2024 Sentencing Transcript, at pgs. 44-45.

²³ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

²⁴ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

²⁵ March 8, 2024 Sentencing Transcript, at pgs. 44-45, 60-63; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

Video Footage, Locke's GPS Records, Goodson's DNA and a Witness

The interaction between Locke and Goodson at the Sunoco Gas Station was captured on video surveillance.²⁶ The vicious assault of Goodson by Simpson and his co-defendants was captured on video surveillance.²⁷ The person that they paid to check on Goodson was captured on video surveillance checking on Goodson.²⁸ Simpson, Locke and Labarge returning to the parking lot and loading Goodson into the trunk of Locke's vehicle was captured on video surveillance.²⁹ Also captured on video surveillance was Locke's vehicle arriving in the parking lot of the Chichester Sunoco and the man, who they paid to purchase a can of gas, getting out of the Locke's vehicle and returning with a can of gas.³⁰

²⁶ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 13-14; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 5.

²⁷ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 6-8.

²⁸ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 9-10; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 1.

²⁹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 10-11; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 1.

³⁰ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 24.

Moreover, a witness saw Goodson being loaded into the trunk of Locke's vehicle and called 9-1-1 to report it.³¹ This report led to the police obtaining video surveillance from the area businesses. It was from video surveillance that the police were able to identify the vehicle registration plate (Delaware Tag No. 290410) on the red Nissan Rogue, the vehicle the assailants were driving at the time of the assault.³² The police learned that the vehicle was owned by Locke. Locke matched the description of the person that they observed on the surveillance footage.³³ The police located Locke's vehicle and seized it.³⁴ The vehicle was covered in dirt and during a search of the vehicle apparent blood was found in the truck.³⁵

³¹ March 8, 2024 Sentencing Transcript, at pgs. 22, 46-47; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 6; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 1.

³²*State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 14; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 2.

³³ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 14; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 2.

³⁴ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 18-19; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 1.

³⁵ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 2.

The police quickly realized that Locke was on probation in Maryland and was on GPS monitoring at the time of the incident.³⁶ The police obtained Locke's GPS coordinates for the evening the Defendants attacked Goodson. Locke's GPS location records led the police to Goodson's body, which the police found shot and burned and buried in a tarp along the riverbed of the Delaware River.³⁷

The police submitted various DNA swabs and collected items for DNA analysis. The DNA analyst determined that the blood swabs collected from the Claymont Auto Repair parking lot, the burn site, and the trunk of Locke's vehicle were all a match to Goodson.³⁸

Confessions of Simpson, Labarge and Locke

Locke was the first of the three defendants to be interviewed because he was the first one identified based on his vehicle registration records. The police conducted a post-Miranda interview with Locke.³⁹ At the time of the interview, the

³⁶ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 22; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 2.

³⁷ March 8, 2024 Sentencing Transcript, at pgs. 63-64; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 22-27; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pgs. 3-4.

³⁸ As to Criminal No. 2207016353- D.I. 36-State's Response to Rule 61 Motion, at pg. 13.

³⁹ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 3.

police had obtained the video surveillance footage of Locke's verbal altercation with Goodson and footage of the assault and kidnapping, but they had not yet obtained Locke's GPS location records. Locke was on probation in Maryland and as part of his probation he was wearing a GPS ankle monitor.⁴⁰

When confronted with the video surveillance footage, Locke admitted to having a verbal altercation with Goodson inside the Sunoco store and admitted that he along with two others got into a fight with Goodson.⁴¹ Locke admitted that he drove back to the Claymont Auto Repair parking lot and that the other two defendants, Simpson and Labarge, placed Goodson into the trunk of his vehicle while he was operating the vehicle.⁴²

Locke then told the police that he drove to the Knollwood neighborhood where he pulled into an alleyway behind Balfour Drive and stated that Labarge and Simpson may have hidden or disposed of the victim. Locke told the police that he did not participate in this portion of the events and could not provide a definitive

⁴⁰ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 22.

⁴¹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 18-20; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 3.

⁴² *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 20; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 3.

location of the victim, however, he believed that the victim could be in the wooded area behind the alley behind Balfour Avenue.⁴³

The police then obtained Locke's GPS location records, which update in one-minute intervals, and traced his whereabouts the evening at issue, July 23-24, 2022. Locke's GPS location records led the police to Goodson's body, which was found shot and burned, at the steel mill along the Delaware River.⁴⁴ It was apparent from Locke's GPS location records that he was not truthful about his knowledge of, and involvement in, the killing and disposal of Goodson's body.

Locke's GPS location records showed that he was at the steel mill complex along the Delaware River at 11:45 p.m. His GPS location records showed that he eventually left the steel mill and went to the Sunoco in Chichester, Pennsylvania.⁴⁵ The same timeframe that the surveillance footage from the Chichester Sunoco showed Locke's vehicle arriving in the parking lot and a man, consistent with the man who went to check on Goodson after the assault, got out of Locke's vehicle to

⁴³ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 21; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 3.

⁴⁴ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 21-28.

⁴⁵ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pgs. 3-4.

purchase a can of gas and return to Locke's vehicle.⁴⁶ The man purchasing the gas placed a white towel over his head and a baseball cap on top of it to conceal his face from video surveillance cameras.⁴⁷

Locke's GPS location records revealed he then returned to Knollwood after leaving the Chichester Sunoco, consistent with him dropping off the man that purchased the gas for the defendants at the Chichester Sunoco.⁴⁸

Locke's GPS location records revealed that after going to Knollwood to drop off the man that purchased the gas, that contrary to what Locke told the police, at approximately 12:23 p.m., he, in fact, returned to the steel mill property.⁴⁹ At the steel mill property, Locke went to the location where he had previously parked for a brief period and then traveled south along the river's edge, deeper into the property,

⁴⁶ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 21-28; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pgs. 3-4.

⁴⁷ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 24-25; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pgs. 3-4.

⁴⁸ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 25; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁴⁹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 25; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

to a remote location along the Delaware River at approximately 12:33 p.m.⁵⁰ Locke's GPS location records were consistent with Simpson's and Labarge's confessions that they moved Goodson from one location at the steel mill to another before shooting and burning him.⁵¹

The police went to Locke's second GPS location at the steel mill complex and noticed a strong odor of gasoline and saw an apparent burn site.⁵² They also found what appeared to be blood and two spent .25 caliber shell casings.⁵³ The police canvassed the area and noticed a gray tarp sticking out from under a pile of rocks. They removed the rocks and found the victim's burned body concealed within the tarp.⁵⁴

⁵⁰ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 25; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pgs. 3-4.

⁵¹ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁵² *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 25-26; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁵³ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 26; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁵⁴ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 26-27; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

An autopsy revealed that the burned body was Goodson.⁵⁵ The body was severely burned, and he had four gunshot wounds to his head and torso.⁵⁶ The manner of death was determined to be homicide and the cause of death was “homicidal violence including blunt impact injuries, thermal burns and gunshot wounds to the head and torso.”⁵⁷

On July 28, 2022, the police located and interviewed the witness who went to check on Goodson in the parking lot and then purchased a can of gas for the defendants. The witness explained that he was a drug addict who hangs out in the Knollwood neighborhood. He told the police that Locke showed up in a red car with two other guys saying that they beat someone up and wanted him to go check on the victim’s condition in exchange for drugs.⁵⁸ When he checked on the victim, the victim was unconscious but breathing.⁵⁹ Later that evening, they asked him to buy them a can of gas. He purchased the can of gas and then they dropped him back off

⁵⁵ As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁵⁶ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 27.

⁵⁷ As to Criminal No. 2207016353- D.I. 36-State’s Response to Rule 61 Motion, at pg. 9.

⁵⁸ *Id.*, at pg. 10.

⁵⁹ *Id.*

in Knollwood and left.⁶⁰ He admitted that he wore a towel on his head to conceal his face when he purchased the can of gas for the defendants.⁶¹

Co-Defendant Labarge was taken into custody on July 28, 2022.⁶² He provided a post-Miranda statement on July 28, 2022 and another on April 20, 2023. After several false stories, when confronted with the surveillance footage and Locke's GPS location records, Labarge eventually told the police that he, Locke and Simpson assaulted the man they met at the Sunoco convenience store and left him in the Claymont Auto Repair parking lot.⁶³ After the initial attack, they went to the Knollwood neighborhood and picked up a man to go check on the victim. The man reported back to them that the victim was alive but did not look good.⁶⁴

Labarge admitted that after loading the victim into Locke's vehicle, they went into the dirt roads of the steel mill.⁶⁵ Once they were deep in the property, they

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 28.

⁶³ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 28-29; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁶⁴ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 29.

⁶⁵ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 29; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

stopped and took the victim out of the vehicle. The victim was breathing and making a snoring noise.⁶⁶ After dumping the victim out of the vehicle, they went back to get the man from Knollwood to have him buy gasoline at the Sunoco in Chichester.⁶⁷

After the man purchased the can of gas for them, they brought the man back to the Knollwood neighborhood and the three of them, Locke, Labarge and Simpson, returned to the steel mill complex, located the victim, and put the victim back into the vehicle.⁶⁸ Labarge stated that when they returned to the steel mill complex, the victim was no longer breathing.⁶⁹ They moved the victim to a second location on

⁶⁶ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 29; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁶⁷ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 29-30; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁶⁸ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 30; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁶⁹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 30; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

the steel mill property.⁷⁰ Once they got to the second location, the victim was shot multiple times and the victim's body was set on fire.⁷¹

Labarge also told police that there was a trap compartment in the center console of Locke's vehicle where Locke kept a gun and drugs.⁷² Labarge told the police that he saw Locke in possession of the .25 caliber handgun for several days, and that it was Simpson's gun.⁷³

The police obtained a second search warrant for Locke's vehicle and discovered the trap compartment under the center console/gear shift. Inside, the police found a loaded .25 caliber handgun, 57 bags of heroin, nearly a gram of methamphetamine and pills.⁷⁴ The .25 caliber handgun was consistent with the .25 caliber shell casing recovered at the scene. Delaware State Police conducted a ballistics analysis of the firearm, shell casings and projectiles removed during

⁷⁰*State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 30; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁷¹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 30-31; As to Criminal No. 2207016353- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on September 14, 2022, at Exhibit B pg. 4.

⁷² As to Criminal No. 2207016353- D.I. 36-State's Response to Rule 61 Motion, at pgs. 12-13.

⁷³ *Id.*

⁷⁴ *Id.*

Goodson's autopsy. The results were inconclusive as to whether they were fired from the recovered handgun.⁷⁵

On May 25, 2023, Simpson provided a statement to law enforcement.⁷⁶ Simpson admitted being at the Sunoco convenience store with Locke and Labarge. He admitted assaulting Goodson.⁷⁷ He acknowledged having a drug addict from the Knollwood neighborhood go check on the victim.⁷⁸ Simpson told the police that the man reported back that the victim still had a pulse, and Simpson wanted to get the victim help, but Locke told Simpson they could not do so because Locke was on probation with GPS monitoring and had a child to worry about.⁷⁹ That was when they decided to "get rid of him."⁸⁰

Simpson told the police that Locke then drove them back to the attack location and they loaded the victim into the vehicle. They then went to the steel mill and dropped the victim off there.⁸¹ They then went back to the Knollwood neighborhood and began discussing "getting rid of the evidence", so they decided to get a can of gas. They did not want to be caught on camera purchasing the gas, so they got the neighborhood drug addict to go with them and buy the gas.⁸² Locke paid the drug

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*, at pgs. 13-14.

⁷⁸ *Id.*, at pg. 14.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

addict with drugs.⁸³ Simpson told the police that the plan was to kill Goodson and burn his body at the time they had the man purchase the gas for them.⁸⁴

After the man purchased the gas, they dropped him back off in the Knollwood neighborhood and returned to the steel mill. Simpson told the police that all three of them- Locke, Labarge, and Simpson loaded Goodson back into the vehicle and drove him to a second location because Locke did not like the initial spot. They again took Goodson out of the vehicle.⁸⁵

Simpson told the police that Locke took out a gun. Locke said he had to be sure that Goodson was dead and then shot him.⁸⁶ Simpson told the police that Locke often carries a firearm in his vehicle in a compartment near the gear shift.⁸⁷ They then dumped the gasoline on Goodson's body and lit him on fire. The three co-defendants then left in Locke's vehicle.⁸⁸

The Defendants Accept Plea Offers and are Sentenced

Simpson and his two co-defendants all accepted plea offers. They each pled guilty to murder in the second degree (a lesser included offense of murder in the first degree) plus additional charges.⁸⁹

⁸³ *Id.*

⁸⁴ *Id.*, at pg. 15.

⁸⁵ *Id.*, at pgs. 14-15.

⁸⁶ *Id.*, at pg. 15.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ As to co-defendant Locke, see, *State v. Locke*, Criminal ID Nos. 2207016351 & 2207013451; As to co-defendant Labarge, see, *State v. Labarge*, Criminal ID Nos. 2207013704 & 2207016329.

They were all sentenced on March 8, 2025.⁹⁰

SIMPSON’S RULE 61 MOTION

On December 27, 2024, Simpson filed a *pro se* Rule 61 Motion for Postconviction Relief.⁹¹

By Order dated February 27, 2025, this Court set a briefing schedule for Simpson’s Rule 61 motion.⁹² Before ruling on the Rule 61 motion, the record was enlarged, and Simpson’s trial counsel was directed to submit an Affidavit responding to the ineffective assistance of counsel claim(s). Thereafter, the State filed a response to the motion and Simpson filed a reply thereto.⁹³

On March 20, 2025, Simpson filed a motion requesting the appointment of counsel,⁹⁴ which was denied by this Court by Order dated April 17, 2025.⁹⁵

Simpson raises three claims in his Rule 61 motion. First, he claims that his counsel provided ineffective assistance for not fully informing him the Court may impose a sentence that was double the truth-in-sentencing (TIS) guidelines and that the sentence could include 11 *Del. C.* § 4202(k) provisions. Second, Simpson claims

⁹⁰ March 8, 2025 Sentencing Transcript: Sentencing of Labarge at pgs. 18-42; Sentencing of Simpson at pgs. 43-59; Sentencing of Locke at pgs. 59-77.

⁹¹ As to Criminal No. 2207016353- D.I. 28 (Rule 61 Motion).

⁹² As to Criminal No. 2207016353- D.I. 32 (February 27, 2025 Order setting a briefing schedule).

⁹³ Super.Ct.Crim.R. 61(f) and 61(g).

⁹⁴ As to Criminal No. 2207016353- D.I. 33 (Motion for Appointment of Counsel).

⁹⁵ As to Criminal No. 2207016353- D.I. 35 (Order denying the Appointment of Counsel).

that his sentence is illegal. Third, Simpson claims that the State breached the plea agreement because Simpson believed that the State would recommend the TIS guidelines for each charge at sentencing.

Each of Simpson's claims will be addressed in turn.

Claim One- Alleged Counsel Ineffectiveness Regarding Potential Sentences

Simpson claims that his counsel provided ineffective assistance for not fully informing him that he could be sentenced to double the TIS guidelines and that the sentence could include 11 *Del. C.* § 4202(k) provisions.

In order to prevail on an ineffective assistance of counsel claim, the defendant must meet the two-pronged *Strickland* test by showing that: (1) counsel performed at a level “below an objective standard of reasonableness” and that, (2) the deficient performance prejudiced the defense.⁹⁶ The first prong requires the defendant to show by a preponderance of the evidence that defense counsel was not reasonably competent, while the second prong requires him to show that there is a reasonable probability that, but for defense counsel's unprofessional errors, the outcome of the proceedings would have been different.⁹⁷

In the context of a plea challenge, it is not sufficient for the defendant to simply claim that his counsel was deficient. The defendant must also establish that counsel's actions were so prejudicial that there was a reasonable probability that,

⁹⁶ *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984).

⁹⁷ *Id.* at 687-88, 694.

but for counsel's deficiencies, the defendant would not have taken a plea but would have insisted on going to trial.⁹⁸ The burden of proving ineffective assistance of counsel is on the defendant.⁹⁹ Mere allegations of ineffectiveness will not suffice; instead, a defendant must make and substantiate concrete allegations of actual prejudice.¹⁰⁰

Before turning to Simpson's specific ineffective assistance of counsel claim, it is noted at the onset that it is hard to envision how trial counsel's representation of Simpson could be deemed deficient in any respect given the ultimate result achieved in light of the facts and circumstances presented herein.

The State's evidence against Simpson was overwhelming. He was captured on video surveillance brutally and viciously attacking the victim, leaving the victim lying on the ground motionless. Simpson is captured on video surveillance retrieving the motionless victim and putting him into the trunk of the vehicle to move him to another location. Simpson admitted to having participated in the assault, kidnapping and killing of Goodson.

Given the overwhelming evidence against Simpson, if he did not accept the plea and instead proceeded to trial, he would, almost certainly, have been convicted of Murder in the First Degree, as well as all the other indicted charges and would

⁹⁸ *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997); *Premo v. Moore*, 131 S.Ct. 733, 739-744 (2011).

⁹⁹ *Oliver v. State*, 2001 WL 1751246 (Del.).

¹⁰⁰ *Younger v. State*, 580 A.2d 552, 556 (Del. 1990).

be serving a life sentence without parole, plus significant additional years of imprisonment. Simpson derived a significant benefit from having taken his plea. Simpson's plea represented a prudent choice given the evidence against him, the pending charges, and the possible sentences he was facing.

Turning to Simpson's claim of attorney ineffectiveness, the record is clear that Simpson was fully advised that for his conviction of murder in the second degree he was facing a possible sentence of between 15 years up to life imprisonment.

In his Affidavit in response to Simpson's Rule 61 motion, counsel advises that he met with Simpson several times through the course of his representation.¹⁰¹ Counsel represents that he explained to Simpson that for accepting a plea offer to Murder in the Second Degree, he could be facing the possibility of up to a life sentence.¹⁰²

Moreover, the Plea Agreement expressly provided that a presentence investigation would be conducted prior to sentencing.¹⁰³ The Plea Agreement also expressly provided that the parties agreed to "Open Sentencing."¹⁰⁴ The Truth-in-Sentencing Guilty Plea Form expressly provided that for Simpson's conviction of

¹⁰¹ As to Criminal No. 2207016353- D.I. 34 (Affidavit of Trial Counsel).

¹⁰² As to Criminal No. 2207016353- D.I. 34 (Affidavit of Trial Counsel).

¹⁰³ As to Criminal No. 2207016353- D.I. 36, at Exhibit A (Plea Agreement).

¹⁰⁴ As to Criminal No. 2207016353- D.I. 36, at Exhibit A (Plea Agreement).

Murder in the Second Degree he could be sentenced to no less than 15 years minimum-mandatory up to life in prison.¹⁰⁵

The Cooperation Agreement did not include any promise of a specific sentence recommendation and expressly stated that Simpson understood the sentencing judge had the sole discretion to impose whatever sentence it deemed appropriate.¹⁰⁶

At the plea colloquy, Simpson represented to the Court that he had fully reviewed the plea paperwork and TIS Form with his counsel and that counsel addressed all his questions, issues and concerns.¹⁰⁷

At the plea colloquy, the State reiterated, which Simpson's trial counsel confirmed, that the parties were requesting a presentence investigation and the State's recommendation was to open sentencing.¹⁰⁸ At the plea colloquy, Simpson represented to the Court that other than what was contained in the plea documents, there was no other promise made to him regarding his plea.¹⁰⁹

After finding Simpson's plea was entered into knowingly, intelligently and voluntarily, the Court advised Simpson that a presentence investigation would be

¹⁰⁵ As to Criminal No. 2207016353- D.I. 36, at Exhibit A (TIS Form).

¹⁰⁶ As to Criminal No. 2207016353- D.I. 36, at Exhibit B (Cooperation Agreement).

¹⁰⁷ As to Criminal No. 2207016353- D.I. 36, at Exhibit C (August 15, 2023 Plea Transcript, at pgs. 6-8).

¹⁰⁸ As to Criminal No. 2207016353- D.I. 36, at Exhibit C (August 15, 2023 Plea Transcript, at pgs. 3-4).

¹⁰⁹ As to Criminal No. 2207016353- D.I. 36, at Exhibit C (August 15, 2023 Plea Transcript, at pgs. 7-8).

conducted in order to assist the Court in determining the proper sentence to impose and that Simpson should cooperate with investigative services in its endeavor to provide an accurate report for the Court's consideration.¹¹⁰

Simpson is bound by his representations made at the time of his plea, and they are presumed to be truthful in the absence of clear and convincing evidence to the contrary.¹¹¹ Not only are Simpson's representations at his plea colloquy presumed to be truthful,¹¹² but at the time of the plea, Simpson expressly represented to the Court that his representations were, in fact, truthful.¹¹³

The record reflects that the State agreed to "open sentencing" and that Simpson understood he was facing a sentencing range on the Murder in the Second-Degree conviction from no less than a 15 year minimum-mandatory sentence up to life in prison. At sentencing the Court imposed a 35-year prison sentence, to be served pursuant to 11 *Del. C.* § 4204(k) which requires the sentence to be served without the benefit of any form of early release. Simpson's sentence was within the statutory range and was less than the maximum sentence that could have been imposed.

¹¹⁰ As to Criminal No. 2207016353- D.I. 36, at Exhibit C (August 15, 2023 Plea Transcript, at pgs. 10-11).

¹¹¹ *State v. Harden*, 1998 WL 735879, *5 (Del.Super.); *State v. Stuart*, 2008 WL 486858, *3 (Del.Super.).

¹¹² *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997).

¹¹³ As to Criminal No. 2207016353- D.I. 36, at Exhibit C (August 15, 2023 Plea Transcript, at pg.5).

There was no agreement between the parties that Simpson would be entitled to an early release from his sentence. Whether counsel specifically explained the possibility of the Court imposing the provisions of 11 *Del. C.* § 4204(k) or not, is of no consequence. Counsel explained that Simpson was facing the possibility of up to a life sentence. The Court imposed a lesser sentence of 35-years of incarceration without any form of early release. Simpson's present claim of counsel ineffectiveness is without merit.

Claim Two- Alleged Illegal Sentence

In Claim Two, Simpson claims that his sentence is illegal because the sentence range for a conviction of murder in the second-degree mandates that only the first 15 years of the sentence cannot be suspended and that the Court exceeded the TIS sentencing recommendations.

First, this claim is procedurally barred pursuant to Superior Court Criminal Rule 61(i)(4), since it has been previously adjudicated. On May 27, 2024, Simpson filed a motion for modification of sentence which was denied by the Superior Court on June 13, 2024.¹¹⁴ On June 4, 2025, Simpson filed a motion for correction of illegal sentence¹¹⁵, which was denied by the Superior Court on June 20, 2025.¹¹⁶ On July 3, 2025, Simpson filed a motion for reconsideration of the denial of his motion for

¹¹⁴ As to Criminal Action No. 2207016353- D.I. 27 (Order denying Motion for Modification of Sentence).

¹¹⁵ As to Criminal Action No. 2207016353- D.I. 40 (Motion for Correction of Illegal Sentence).

¹¹⁶ As to Criminal Action No. 2207016353- D.I. 42 (Order denying Motion for Correction of Illegal Sentence).

correction of illegal sentence¹¹⁷, which was denied by the Superior Court on July 21, 2025.¹¹⁸

In Simpson's motion for correction of illegal sentence, he claimed that his sentence was illegal under the recently decided case of *Erlinger v. United States*.¹¹⁹ Simpson makes that same claim herein.

The Superior Court already explained in the Order denying Simpson's motion for correction of illegal sentence that *Erlinger* is not implicated in the subject case.¹²⁰ In this case, Simpson did not have a trial. Instead, he pled guilty to Murder Second Degree, Kidnapping First Degree and Conspiracy First Degree. He executed plea agreement paperwork, including the TIS Form, that set forth the possible range of sentences. The Court did not sentence Simpson outside of the penalties provided by the applicable statute. Moreover, the Court did not apply statutory sentencing enhancements due to prior convictions.¹²¹

Erlinger is a decision related to enhanced sentencing due to prior convictions. Here, the Court did not engage in any enhanced sentencing due to prior convictions of Simpson. The Court's finding of aggravating facts related to SENTAC guidelines

¹¹⁷ As to Criminal Action No. 2207016353- D.I. 43 (Motion for Reconsideration of Denial of Correction of Illegal Sentence).

¹¹⁸ As to Criminal Action No. 2207016353- D.I. 44 (Order denying Motion for Reconsideration of Denial of Correction of Illegal Sentence).

¹¹⁹ 602 U.S. 821 (2024).

¹²⁰ As to Criminal Action No. 2207016353- D.I. 42 (Order denying Motion for Correction of Illegal Sentence).

¹²¹ *Id.*

for the present crimes committed, not for prior convictions. The Court did not enhance the sentence due to prior convictions.¹²²

In addition to being procedurally barred, this claim is without merit. For convictions of murder in the second degree, a class A felony, the statute provides that the Court may impose a sentence of not less than 15 years of incarceration up to life imprisonment.¹²³ The statute provides that the minimum-mandatory portion of the sentence cannot be suspended but that the court “may” suspend the portion of the sentence in excess of the minimum-mandatory portion.¹²⁴ The statute does not state that the Court must only impose the minimum-mandatory portion of the sentence. If that was the case then the minimum-mandatory sentence would also be the maximum sentence that could be imposed.

The statute provides that the Court must impose at least the minimum-mandatory portion of the sentence and may impose a prison sentence up to the maximum period of incarceration.¹²⁵ Here, the Court was within its discretion to impose a sentence for Simpson’s murder in the second-degree conviction anywhere from 15 years minimum-mandatory up to life imprisonment. The Court imposed a

¹²² As to Criminal Action No. 2207016353- D.I. 44 (Order denying Motion for Reconsideration of Denial of Correction of Illegal Sentence).

¹²³ 11 *Del. C.* §635 (Second Degree Murder- Class A felony); 11 *Del. C.* §4205(b)(1)(Sentence for Class A felony).

¹²⁴ See, 11 *Del. C.* §4205(d) &(e).

¹²⁵ 11 *Del. C.* §4205(b)(1) & (c).

35-year sentence to be served without any form early release. The sentence imposed did not exceed the statutory maximum and therefore was not illegal in any respect.¹²⁶

Simpson has no basis for relief from the Court's legally imposed sentence.

Claim Three-Unfilled Plea Agreement as to Sentencing

In Claim Three, Simpson reiterates that the sentence imposed was illegal and feels he should have the right to early release and goodtime credits. He also believes that the State inferred it would recommend TIS guidelines at sentencing.

This claim is without merit.

For the reasons detailed above, the sentence imposed was not illegal in any respect. Simpson has no claim for relief from the legally imposed sentence.

Moreover, the record is devoid of any indication that the State would be recommending TIS guidelines at sentencing. Indeed, the Plea Agreement expressly provided that the State would be recommending "Open Sentencing" following a presentence investigation. The Cooperation Agreement did not promise any specific sentence recommendation by the State. The Cooperation Agreement expressly stated that Simpson understood that the sentencing judge had the sole discretion to impose whatever sentence the judge deemed appropriate. Simpson expressly acknowledged that no additional promises, agreements or conditions were made other than those set forth in the plea agreement.¹²⁷

¹²⁶ *Samans v. State*, 2012 WL 1970109, *1 (Del.).

¹²⁷ As to Criminal No. 2207016353- D.I. 36, at Exhibit B (Cooperation Agreement).

At the plea colloquy, Simpson represented that no other promises have been made other than those set forth in the plea agreement.¹²⁸

The record does not reflect any agreement between the parties that the State would recommend TIS guidelines at sentencing. Simpson represented to the Court that other than what was contained in the plea documents, there was no other promise made to him regarding his plea. The plea documents did not contain any promise that the State would recommend TIS guidelines. Simpson's claim that he was promised a specific sentence recommendation is belied by the record and is without merit.

CONCLUSION

Following a careful review of the record, and for the reasons discussed above, the Court concludes that the claims raised in Simpson's Rule 61 Motion for Postconviction Relief are without merit. Simpson's Rule 61 motion should be **DENIED.**

IT IS SO RECOMMENDED.

/s/ Lynne M. Parker
Commissioner Lynne M. Parker

cc. Prothonotary
Kevin P. Tray, Esquire

¹²⁸ As to Criminal No. 2207016353- D.I. 36, at Exhibit C (August 15, 2023 Plea Transcript, at pgs. 7-8).