

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
 Plaintiff,)
)
 v.) Cr. ID Nos. 2207016329
) 2207013704
 JEFFREY LABARGE,)
)
 Defendant.)

Submitted: March 7, 2026
Decided: March 26, 2026

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

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

Jeffrey LaBarge, James T. Vaughn Correctional Center, Smyrna, Delaware, *pro se*.

PARKER, Commissioner

Defendant Jeffrey LaBarge’s Rule 61 Motion for Postconviction Relief and Motion for Sentence Modification should be denied for the reasons set forth below.

PROCEDURAL HISTORY

On October 24, 2022, Defendant Jeffrey LaBarge and his two co-defendants, Justin Locke and Tyler Simpson, 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 June 30, 2023, LaBarge 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

¹ As to Petitioner Jeffrey LaBarge: Criminal No. 2207013704- D.I. 3 (Indictment); Criminal No. 2207016329- D.I. 3 (Indictment).

As to co-defendant Justin Locke: Criminal No. 2207016351- D.I. 2 (Indictment); Criminal No. 2207013451- D.I. 2 (Indictment).

As to co-defendant Tyler Simpson: Criminal No. 2207016353- D.I. 3 (Indictment); Criminal No. 2207013452- D.I. 3 (Indictment).

² At the entry of LaBarge’s guilty plea, the Court ordered that the plea paperwork and hearing transcript be sealed. The sealed plea paperwork is noted on the dockets as follows: As to Criminal No. 2207013704- D.I. 9 & 10 (Plea Agreement & Truth-In-Sentencing form); Criminal No. 2207016329- D.I. 17 & 18 (Plea Agreement & Truth-In-Sentencing form). LaBarge’s sealed plea agreement and Truth-in-Sentencing Guilty Plea Form are attached as Exhibit A to the State’s Response to Rule 61 Motion (D.I. 42 in Criminal No. 2207016329).

On March 8, 2024, the Court sentenced LaBarge as follows: (1) Murder Second Degree- Life suspended after 30 years at Level V 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); (2) Kidnapping First Degree- 20 years at Level V suspended after 5 years followed by probation; and (3) Conspiracy First Degree- 5 years at Level V suspended for probation. Thus, LaBarge was sentenced to a total unsuspended prison term of 35 years, followed by decreasing levels of probation.³

LaBarge did not file a direct appeal.

On April 25, 2024, LaBarge filed a motion for modification of sentence which was denied by the Superior Court on May 7, 2024.⁴

On October 16, 2025, LaBarge filed the subject Rule 61 motion for postconviction relief.⁵ On October 24, 2025, LaBarge filed a second motion for modification of sentence.⁶

FACTS

The criminal charges stemmed from LaBarge's conduct on July 23-24, 2022. In the late evening of July 23, 2022, LaBarge and his co-defendants, Locke and

³ As to Criminal No. 2207016329 - D.I. 26 (Sentencing Order).

⁴ As to Criminal Action No. 2207016329 - D.I. 29 (Order denying Motion for Modification of Sentence).

⁵ As to Criminal Action No. 2207016329- D.I. 31 (Rule 61 motion).

⁶ As to Criminal Action No. 2207016329- D.I. 35 (2nd Motion for Modification of Sentence).

Simpson, 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 spot at a 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 where the victim was then shot, his body was doused with gasoline and set 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 LaBarge and his two co-defendants, Locke and Simpson, were already inside. Goodson said something that Locke did not like in the convenience store.⁷ The interaction between Locke and Goodson was captured on video surveillance.⁸

After Goodson exited the convenience store, LaBarge and his two co-defendants followed Goodson and viciously attacked him in a three-on-one attack.⁹ The surveillance footage from Claymont Auto Repair, located on Philadelphia Pike, showed that at approximately 11:13 p.m., Goodson was walking along Philadelphia Pike when he was viciously assaulted by LaBarge and his two co-defendants. The

⁷ March 8, 2024 Sentencing Transcript, at pgs. 20-21, 60.

⁸ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 14.

⁹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 6-8.

surveillance footage showed co-defendant Simpson hold up his hand in front of Goodson before co-defendant Locke approached and sucker-punched Goodson from behind. Both Simpson and Locke punched and kicked Goodson on the ground as LaBarge ran up to join them. Once LaBarge joined, he stood over Goodson, who was lying on the ground, and delivered two punches to Goodson's head. The three co-defendants fled the scene following the attack, leaving Goodson motionless on the ground in the Claymont Auto Repair parking lot.¹⁰

LaBarge 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.¹¹ They wanted Goodson checked on, not to see if Goodson was okay, but to see how bad he was.¹² 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.¹³

¹⁰ 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; *State v. Simpson*, 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.

¹¹ *State v. Simpson*, 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.

¹² March 8, 2024 Sentencing Transcript, at pgs. 22.

¹³ *State v. Simpson*, 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.¹⁴ It is undisputed that neither Simpson nor LaBarge called 9-1-1, or made any attempt to render or obtain aid for the victim, at any time.¹⁵

Instead, 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's body 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.¹⁶ Locke drove to a steel mill where LaBarge helped remove Goodson from the vehicle and they dumped Goodson leaving him in the dirt in a secluded spot at the steel mill.¹⁷

After dumping Goodson at the steel mill, Locke drove LaBarge and Simpson back to the Knollwood neighborhood to have the man they hired to check on

¹⁴ March 8, 2024 Sentencing Transcript, at pgs. 44-45, 60.

¹⁵ *State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4.

¹⁶ March 8, 2024 Sentencing Transcript, at pgs. 44-45, 61; *State v. Simpson*, 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.

¹⁷ March 8, 2024 Sentencing Transcript, at pgs. 22-23, 44-45, 61; *State v. Simpson*, 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.

Goodson's status buy gasoline for them. They then returned to the site where they had dumped Goodson.¹⁸

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.¹⁹ LaBarge was in Locke's vehicle when they bought the gas from the gas station.²⁰

After dropping the man who had purchased the gasoline off at the Knollwood neighborhood, LaBarge and his two co-defendants went back to the steel mill.²¹ When they returned to Goodson at the steel mill, Goodson was no longer breathing.²² LaBarge helped his co-defendants move Goodson to another location, even more remote, at the steel mill along the Delaware River. LaBarge's co-defendants then

¹⁸ March 8, 2024 Sentencing Transcript, at pgs. 22-23, 44-45; *State v. Simpson*, 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.

¹⁹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 24.

²⁰ March 8, 2024 Sentencing Transcript, at pgs. 22-23, 44-45.

²¹ *State v. Simpson*, 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.

²² *State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 30; *State v. Simpson*, 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.

shot Goodson multiple times, doused his body with gasoline, and set his body on fire.²³

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

Video surveillance showed Goodson entering the Sunoco Gas Station at 11:04 p.m., while LaBarge, Simpson and Locke were already inside. LaBarge was eating while seated on an ice cream display. Locke was standing at the register. The video surveillance showed Goodson approaching the register behind Locke and the two engaging in a confrontational interaction.²⁴

The vicious assault of Goodson by LaBarge and his co-defendants was captured on video surveillance.²⁵ The person that they paid to check on Goodson as he was lying motionless at the parking lot was captured on video surveillance checking on Goodson.²⁶ Locke's vehicle returning to the parking lot, and LaBarge

²³ March 8, 2024 Sentencing Transcript, at pgs. 44-45, 60-63; *State v. Simpson*, 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 *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 13-14; *State v. Simpson*, 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.

²⁵ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 6-8.

²⁶ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 9-10; *State v. Simpson*, 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.

and Simpson getting out of the vehicle and loading Goodson into the trunk, was captured on video surveillance.²⁷ Also captured on video surveillance was Locke's vehicle arriving in the parking lot of the Chichester Sunoco and the man they paid to purchase gas on their behalf was captured purchasing the gas and returning to the vehicle.²⁸

Moreover, a witness saw Goodson being loaded into the trunk of Locke's vehicle and called 9-1-1 to report it.²⁹ 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.³⁰ The police learned that the vehicle was owned by Locke. Locke matched the description of the person that they observed on the surveillance footage.³¹ The

²⁷ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 10-11; *State v. Simpson*, 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.

²⁸ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 24.

²⁹ 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; *State v. Simpson*, 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. 14; *State v. Simpson*, 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.

police located Locke's vehicle and seized it.³² The vehicle was covered in dirt and during a search of the vehicle apparent blood was found in the trunk.³³

The police quickly realized that Locke was on probation in Maryland and was on GPS monitoring at the time of the incident.³⁴ The police obtained Locke's GPS coordinates for the evening of the attack. 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.³⁵

The police submitted various DNA swabs and collected items for DNA analysis. The DNA analyst determined that the blood swabs collected from the

³¹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 14; *State v. Simpson*, 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.

³² *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 18-19; *State v. Simpson*, 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.

³³ *State v. Simpson*, 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. 22; *State v. Simpson*, 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.

³⁵ 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; *State v. Simpson*, 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.

Claymont Auto Repair parking lot, the burn site, and the trunk of Locke's vehicle were all a match to Goodson.³⁶

Confessions of LaBarge, Locke and Simpson

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.³⁷ At the time of the interview, the 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.³⁸

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.³⁹ Locke admitted that he

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

³⁷ *State v. Simpson*, 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.

³⁸ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 22.

³⁹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 18-20; *State v. Simpson*, 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.

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.⁴⁰

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 location of the victim, however, he believed that the victim could be in the wooded area behind the alley behind Balfour Avenue.⁴¹

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.⁴² It was apparent from

⁴⁰ *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.

⁴¹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 21; *State v. Simpson*, 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 pgs. 21-28.

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. on July 23, 2022. His GPS location records showed that he eventually left the steel mill and went to the Sunoco in Chichester, Pennsylvania.⁴³ 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 purchase a can of gas and return to Locke's vehicle.⁴⁴ 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.⁴⁵

⁴³ *State v. Simpson*, 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.

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

⁴⁵ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 24-25; *State v. Simpson*, 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.

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.⁴⁶

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.⁴⁷ 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, to a remote location along the Delaware River at approximately 12:33 p.m.⁴⁸ 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 Goodson was shot and burned.⁴⁹

⁴⁶ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 25; *State v. Simpson*, 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.

⁴⁷ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pg. 25; *State v. Simpson*, 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.

⁴⁸ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 25; *State v. Simpson*, 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.

⁴⁹ *State v. Simpson*, 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 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.⁵⁰ They also found what appeared to be blood and two spent .25 caliber shell casings.⁵¹ 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.⁵²

An autopsy revealed that the burned body was Goodson.⁵³ The body was severely burned, and he had four gunshot wounds to his head and torso.⁵⁴ The manner of death was determined to be homicide, and the cause of death was

⁵⁰ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351-August 11, 2022 Preliminary Hearing, at pgs. 25-26; *State v. Simpson*, 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.

⁵¹ *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 26; *State v. Simpson*, 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. 26-27; *State v. Simpson*, 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. Simpson*, 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 pg. 27.

“homicidal violence including blunt impact injuries, thermal burns and gunshot wounds to the head and torso.”⁵⁵

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.⁵⁶ When he checked on the victim, the victim was unconscious but breathing.⁵⁷ 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 in Knollwood and left.⁵⁸ He admitted that he wore a towel on his head to conceal his face when he purchased the can of gas for the defendants.⁵⁹

LaBarge was taken into custody on July 28, 2022.⁶⁰ He provided a post-Miranda statement on July 28, 2022 and another on April 20, 2023. After several

⁵⁵ *State v. LaBarge*, Criminal No. 2207016329- D.I. 42- State’s Response to Rule 61 Motion, at pg. 8; *State v. Simpson*, Criminal No. 2207016353- D.I. 36-State’s Response to Rule 61 Motion, at pg. 9.

⁵⁶ *State v. LaBarge*, Criminal No. 2207016329- D.I. 42- State’s Response to Rule 61 Motion, at pgs. 9-10; *State v. Simpson*, Criminal No. 2207016353- D.I. 36-State’s Response to Rule 61 Motion, at pg. 10.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *State v. LaBarge*, Criminal No. 2207016329-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 August 12,

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.⁶¹ 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.⁶²

LaBarge admitted that he, along with his two co-defendants, went back to Claymont Auto Repair parking lot, where they found Goodson laying on the ground, bleeding from his head and snoring. LaBarge admitted that he and Simpson got out of Locke's vehicle, picked up Goodson and loaded him into Locke's vehicle. They then drove into the dirt roads of the steel mill.⁶³ Once they were deep in the property,

2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 28.

⁶¹ *State v. LaBarge*, Criminal No. 2207016329-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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 28-29; *State v. Simpson*, 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.

⁶² *State v. LaBarge*, Criminal No. 2207016329-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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 29.

⁶³ *State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 29; *State v. Simpson*, 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.

they stopped and LaBarge helped take the victim out of the vehicle. The victim was breathing and making a snoring noise.⁶⁴

LaBarge admitted that he made no attempt to call 9-1-1, or to otherwise render or obtain aid for the victim or to deliver the victim to the hospital.⁶⁵

After dumping the victim out of the vehicle on the steel mill property, LaBarge advised that he, Locke and Simpson all went back to get the man from Knollwood to have him buy gasoline for them at the Sunoco in Chichester.⁶⁶

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.⁶⁷

⁶⁴*State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 29; *State v. Simpson*, 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.

⁶⁵ *State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4.

⁶⁶ *State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 29-30; *State v. Simpson*, 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. LaBarge*, Criminal No. 2207016329- 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 August 12,

LaBarge confessed that when they returned to the steel mill complex, the victim was no longer breathing and no longer making any snoring noise.⁶⁸

LaBarge again assisted in putting Goodson back in the vehicle where he was moved to a second location, an even more secluded spot, on the steel mill property.⁶⁹ Once they got to the second location, LaBarge told the police that Locke shot the victim multiple times and then the victim's body was set on fire (by either Locke or Simpson).⁷⁰

2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 30; *State v. Simpson*, 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. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 30; *State v. Simpson*, 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. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pg. 30; *State v. Simpson*, 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.

⁷⁰ *State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4; *State v. Locke*, Criminal Action Nos. 2207013451 & 2207016351- August 11, 2022 Preliminary Hearing, at pgs. 30-31; *State v. Simpson*, 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.

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.⁷¹ 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.⁷²

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.⁷³ 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 Goodson's autopsy. The results were inconclusive as to whether they were fired from the recovered handgun.⁷⁴

On May 25, 2023, Simpson provided a statement to law enforcement.⁷⁵ Simpson admitted being at the Sunoco convenience store with Locke and LaBarge. He admitted assaulting Goodson.⁷⁶ He acknowledged having a drug addict from the Knollwood neighborhood go check on the victim.⁷⁷ Simpson told the police that the

⁷¹ *State v. LaBarge*, Criminal No. 2207016329- D.I. 42- State's Response to Rule 61 Motion, at pgs. 12-13; *State v. Simpson*, Criminal No. 2207016353- D.I. 36-State's Response to Rule 61 Motion, at pgs. 12-13.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*, at pgs. 13-14.

⁷⁷ *Id.*, at pg. 14.

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.⁷⁸ That was when they decided to “get rid of him.”⁷⁹

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.⁸⁰ 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.⁸¹ Locke paid the drug addict with drugs.⁸² Simpson told the police that the plan was to kill Goodson and burn his body.⁸³

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.⁸⁴

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*, at pg. 15.

⁸⁴ *Id.*, at pgs. 14-15.

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.⁸⁵ Simpson told the police that Locke often carries a firearm in his vehicle in a compartment near the gear shift.⁸⁶ They then dumped the gasoline on Goodson's body and lit him on fire. The three co-defendants then left in Locke's vehicle.⁸⁷

The Defendants Accept Plea Offers and are Sentenced

LaBarge 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.⁸⁸

LaBarge, Locke and Simpson were all sentenced on March 8, 2024.⁸⁹

At sentencing, LaBarge apologized for his actions and took personal responsibility for assaulting and kidnapping the victim and for sitting by and watching Goodson's life get taken from him.⁹⁰

At sentencing, it was recognized that although LaBarge was not the defendant who shot Goodson, and he was not the defendant who set Goodson on fire, he

⁸⁵ *Id.*, at pg. 15.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ As to co-defendant Locke, see, *State v. Locke*, Criminal ID Nos. 2207016351 & 2207013451; As to co-defendant Simpson, see, *State v. Simpson*, Criminal ID Nos. 2207013452 & 2207016353.

⁸⁹ March 8, 2024 Sentencing Transcript: Sentencing of LaBarge at pgs. 18-42; Sentencing of Simpson at pgs. 43-59; Sentencing of Locke at pgs. 59-77.

⁹⁰ March 8, 2024 Sentencing Transcript, at pgs. 35-36.

nonetheless was an accomplice every step of the way.⁹¹ LaBarge assisted in the brutal beating of Goodson. After the brutal beating, LaBarge and his co-defendants left Goodson lying in a heap in a parking lot. LaBarge then returned with his co-defendants to move Goodson to a secluded location at the steel mill. LaBarge helped pick Goodson up and place him into the vehicle. LaBarge then helped remove Goodson from the vehicle at the steel mill and helped dump him in a secluded spot. He then accompanied his co-defendants to a gas station to purchase gas.⁹²

LaBarge then accompanied his co-defendants and returned to the secluded location where they dumped the victim, helped pick the victim up from that location and again helped dump Goodson at an even more secluded spot at steel mill, where he then watched as his co-defendants shot Goodson, doused his body with gasoline, and set his body on fire.⁹³

The Court in imposing LaBarge's sentence stated that what impacted him the most was that LaBarge always had the opportunity to walk away, but never did.⁹⁴ Indeed, the victim was brutally beaten, was moved to a secluded location, and then was moved again to an even more secluded location where he was shot and burned.

⁹¹ March 8, 2024 Sentencing Transcript, at pgs. 22-23.

⁹² March 8, 2024 Sentencing Transcript, at pgs. 22-41.

⁹³ March 8, 2024 Sentencing Transcript, at pgs. 22-41.

⁹⁴ March 8, 2024 Sentencing Transcript, at pgs. 39-42.

LaBarge accompanied his co-defendants every step of the way. Never once did LaBarge intervene, never once did he call 9-1-1, never once did he seek help or make any attempt to render any assistance.

LaBarge's plea agreement provided for "Open Sentencing" and the Truth-in-Sentencing Guilty Plea Form provided that LaBarge was facing a total maximum sentence of Life Imprisonment plus 32 years and that "aggravators may apply" to the sentence.⁹⁵

The Court stated that although it had never before imposed the aggravated factor of excessive cruelty, because LaBarge's actions were so callous and cruel, he was imposing that aggravated factor.⁹⁶ The Court also found the vulnerability of the victim as an additional aggravating factor. The Court reasoned that although LaBarge and his co-defendants did not know ahead of time that Goodson was vulnerable, after they viciously beat him and left him lying on the ground motionless, when they came back to move him, they should have known that he was a particularly vulnerable and incapable of resistance at that point.⁹⁷

LaBarge was sentenced on the Murder Second Degree conviction to life in prison suspended after 30 years at Level V, to be served pursuant to 11 *Del. C.* § 4204(k) (which requires the sentence to be served without the benefit of any form of

⁹⁵ LaBarge's sealed plea agreement and Truth-in-Sentencing Guilty Plea Form are attached at Criminal No. 2207016329- D.I. 42 (State's Response to Rule 61 Motion) at Exhibit A.

⁹⁶ March 8, 2024 Sentencing Transcript, at pgs. 39-41.

⁹⁷ March 8, 2024 Sentencing Transcript, at pgs. 39-41.

early release), plus an additional 5-year unsuspended Level V sentence on the Kidnapping First Degree conviction, followed by probation. Thus, LaBarge was sentenced to a total unsuspended prison term of 35 years, followed by decreasing levels of probation.⁹⁸

LaBarge did not file a direct appeal.

LABARGE'S PENDING POSTCONVICTION MOTIONS

On October 16, 2025, over 18 months after LaBarge's conviction became final, he filed the subject Rule 61 motion for postconviction relief.⁹⁹ On October 24, 2025, LaBarge filed a second motion for modification of sentence.¹⁰⁰

For the reasons detailed below, LaBarge's Rule 61 motion and motion for modification of sentence should be denied.

SECOND MOTION FOR MODIFICATION OF SENTENCE

On April 25, 2024, LaBarge filed a motion for modification of sentence which was denied by the Superior Court on May 7, 2024.¹⁰¹ The relief requested in that first motion was for the Court to remove the 11 *Del. C.* § 4204(k) aspect of his sentence.

In denying LaBarge's first motion for modification of sentence, the Court held that the sentence imposed was fashioned after reviewing an extensive presentence

⁹⁸ As to Criminal No. 2207016329 - D.I. 26 (Sentencing Order).

⁹⁹ As to Criminal Action No. 2207016329- D.I. 31 (Rule 61 motion).

¹⁰⁰ As to Criminal Action No. 2207016329- D.I. 35 (2nd Motion for Modification of Sentence).

¹⁰¹ As to Criminal Action No. 2207016329 - D.I. 29 (Order denying Motion for Modification of Sentence).

investigative report, hearing from the State, hearing from Mr. LaBarge's attorney, hearing from Mr. LaBarge, and the victim's sister. There was no meritorious reason provided that would warrant a deviation from that sentence. The sentence was appropriate for all the reasons stated at the time of sentencing.¹⁰²

On October 24, 2025, LaBarge filed a second motion for modification of sentence.¹⁰³ The relief again requested is for the Court to remove the 11 *Del. C.* § 4204(k) aspect of his sentence. This time, LaBarge contends that because he completed the court-ordered programs he was required to complete, the 11 *Del. C.* § 4204(k) aspect of his sentence should be removed.¹⁰⁴

As the Court already held, the sentence imposed, including all the court-ordered programs, was fashioned after reviewing an extensive presentence investigative report, hearing from the State, hearing from Mr. LaBarge's attorney, hearing from Mr. LaBarge, and the victim's sister. The sentence was appropriate for all the reasons stated at the time of sentencing.

The fact that LaBarge complied with the court-ordered programs, and did what he was compelled to do, does not provide a meritorious reason to warrant a deviation from the carefully crafted sentence that was fair and reasonable under the

¹⁰² *Id.*

¹⁰³ As to Criminal Action No. 2207016329- D.I. 35 (2nd Motion for Modification of Sentence).

¹⁰⁴ *Id.*

facts and circumstances of this particularly heinous crime. LaBarge has not provided a meritorious reason that would warrant a deviation from his sentence.

LaBarge's pending motion for a sentence modification is without merit and should be denied.

LABARGE'S RULE 61 MOTION

On October 16, 2025, over 18 months after LaBarge's conviction became final, he filed the subject Rule 61 motion for postconviction relief.¹⁰⁵ On December 1, 2025, LaBarge filed a motion seeking disclosure of his Rule 16 discovery.¹⁰⁶

By Order dated November 24, 2025, this Court set a briefing schedule for LaBarge's Rule 61 motion.¹⁰⁷ Before ruling on the motion, the record was enlarged, and LaBarge'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 LaBarge filed a reply thereto.¹⁰⁸

By letter dated January 7, 2026, this Court advised LaBarge that his request for his Rule 16 discovery was denied.¹⁰⁹ In denying LaBarge's request for his Rule 16 discovery, the Court advised that because his Rule 61 motion was untimely filed it was procedurally barred. The Court further advised that there was no need for the

¹⁰⁵ As to Criminal Action No. 2207016329- D.I. 31 (Rule 61 motion).

¹⁰⁶ As to Criminal Action No. 2207016329- D.I. 38 (Motion seeking discovery).

¹⁰⁷ As to Criminal Action No. 2207016329- D.I. 37 (November 24, 2025 Order setting a briefing schedule).

¹⁰⁸ Super.Ct.Crim.R. 61(f) and 61(g).

¹⁰⁹ As to Criminal Action No. 2207016329- D.I. 41 (January 7, 2026 letter Order denying discovery).

discovery requested since LaBarge admitted to his role in the brutal beating, kidnapping and death of the victim. The materials requested for his Rule 61 motion would not aid in the presentation or consideration of any of the claims, even if timely raised.¹¹⁰

LaBarge raises three claims in his Rule 61 motion. First, he claims that his counsel provided ineffective assistance for not informing him that his sentence may include 11 *Del. C.* § 4204(k) provisions on his Murder in the Second-Degree conviction. Second, he complains that counsel and/or the State should have provided him with discovery. Third, he claims that a jury should have decided sentencing enhancements.

LaBarge's claims are procedurally barred, waived and without merit.

Labarge's Rule 61 Claims are Procedurally Barred

Before examining the merits of a Rule 61 motion for postconviction relief, the court must first apply the rules governing the procedural requirements for relief set forth in Rule 61.¹¹¹

A Rule 61 motion may not be filed more than one year after the judgment of conviction is final.¹¹² For those cases, like the subject case, in which the defendant

¹¹⁰ *Id.*

¹¹¹ *Smith v. State*, 2024 WL 4602147, *2 (Del.).

¹¹² Super.Ct.Crim.R. 61(i)(1).

does not file a direct appeal, a judgment of conviction is final 30 days after the Superior Court imposed sentence.¹¹³

Here, LaBarge was sentenced on March 8, 2024. He did not file a direct appeal. Therefore, his judgment of conviction became final on or about April 9, 2024. LaBarge filed the pending Rule 61 motion on October 16, 2025, over six months after the one-year deadline for the timely filing of this motion. LaBarge's Rule 61 motion filed at this late date is time-barred.

In this Rule 61 motion, LaBarge raises claims that were known to him at the time of his plea and sentence. LaBarge does not allege the existence of any new facts, or anything recently discovered, that may warrant a closer look at the time-bar. His claims stem from alleged shortcomings of counsel, and the State, prior to his entering into his plea. There was no just reason for LaBarge's delay in the timely filing of his Rule 61 motion.

It is further noted that because LaBarge's convictions stemmed from a guilty plea, LaBarge would not have been able to avail himself of any exception to the one-year time bar even if he had (which he did not) alleged the existence of anything new or recently discovered.¹¹⁴

¹¹³ Super.Ct.Crim.R. 61(m)(1).

¹¹⁴ Super.Ct.Crim.R. 61(d)(2), (i)(5); *Cadiz v. State*, 2022 WL 3366253, *1 (Del.); *Brice v. State*, 2024 WL 3710504, *1 (Del.).

LaBarge's Rule 61 motion filed after the one-year time deadline for the timely filing of such claims, is at this late date, untimely and procedurally barred.

LaBarge Waived his Claims Upon Entry of His Plea

A defendant is bound by his answers on the guilty plea form and by his testimony at the plea colloquy in the absence of clear and convincing evidence to the contrary.¹¹⁵ In the subject action, the record reveals that LaBarge knowingly, voluntarily and intelligently entered into his guilty plea to the charges of Murder Second Degree, Conspiracy First Degree and Kidnapping First Degree.¹¹⁶

At the time of his plea, LaBarge represented that he freely and voluntarily decided to plead guilty to the charges in his written plea agreement and that nobody forced or threatened him to enter into the plea.¹¹⁷

LaBarge represented that he was satisfied with his counsel's representation, that his counsel fully advised him of his rights, and that he understood the consequences of entering into his guilty plea.¹¹⁸ LaBarge represented that he understood that by entering into his guilty plea, he knew he was waiving his right to test the strength of the State's evidence, the right to challenge the charges against him, to hear and question the witnesses against him, and to present evidence in his

¹¹⁵ *State v. Harden*, 1998 WL 735879, *5 (Del.Super.).

¹¹⁶ Truth-in-Sentencing Guilty Plea Form dated June 22, 2023-filed under seal (attached as Exhibit A to State's response to Rule 61 motion).

¹¹⁷ *Id.*

¹¹⁸ *Id.*

defense.¹¹⁹

At the time of the plea, the record reflects that the State agreed to “open sentencing”¹²⁰ and that LaBarge 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. LaBarge also understood that he was facing a total sentence on all his charges comprising his plea of up to life in prison plus 32 years and that “aggravators may apply” to his sentence.¹²¹

It is important to note that the State’s evidence against LaBarge was overwhelming. Indeed, LaBarge confessed to his role in the vicious beating, kidnapping and death of Goodson as did his co-defendants. LaBarge could have elected to proceed to trial thereby preserving his right to continue to test the State’s case and preserving his right to raise any defenses. But if LaBarge had not accepted the plea and proceeded to trial, in all likelihood, LaBarge would have been convicted of Murder in the First Degree, as well as all the other indicted charges. Had LaBarge proceeded to trial, in all likelihood, LaBarge would be serving a life sentence without parole, plus significant additional years of incarceration. Instead, he chose to waive those rights and accept the plea offer. LaBarge’s plea represented

¹¹⁹ *Id.*

¹²⁰ Plea Agreement signed by LaBarge on June 22, 2023-filed under seal (attached as Exhibit A to State’s response to Rule 61 motion).

¹²¹ Truth-in-Sentencing Guilty Plea Form dated June 22, 2023-filed under seal (attached as Exhibit A to State’s response to Rule 61 motion).

a prudent choice given the evidence against him, the pending charges, and the possible sentences he was facing.

It is also important to note that even if LaBarge was not the co-defendant that actually shot the victim and/or set him on fire, it would make no difference to the charges that LaBarge was facing. LaBarge would still have been convicted as an accomplice rather than as the principal.¹²² Moreover, by LaBarge's own admission, the victim had already stopped breathing before he was shot and/or burned.¹²³

LaBarge derived a significant benefit from accepting the plea and pleading guilty to the lesser charge of Murder in the Second Degree rather than being convicted of Murder in the First Degree, thereby sparing himself of a life sentence without parole plus significant additional years of incarceration on all the other indicted charges.

LaBarge 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.¹²⁴ Not only are LaBarge's representations at the time of his plea presumed to be truthful,¹²⁵ but LaBarge expressly represented at the time of his plea

¹²² See, *Ayers v. State*, 844 A.2d 304, 308-310 (Del. 2004).

¹²³ *State v. LaBarge*, Criminal No. 2207016329- 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 August 12, 2022, at Exhibit B pg. 4.

¹²⁴ *State v. Harden*, 1998 WL 735879, *5 (Del.Super.); *State v. Stuart*, 2008 WL 486858, *3 (Del.Super.).

¹²⁵ *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997).

that his answers were, in fact, truthful.¹²⁶

LaBarge has not presented any clear, contrary evidence to call into question his representations at the time of his plea. LaBarge's valid guilty plea waived his right to challenge any alleged errors, deficiencies or defects occurring prior to the entry of his plea. LaBarge's claims presented herein stem from allegations of defects, errors, misconduct and deficiencies which existed prior to the entry of his plea. LaBarge's claims presented herein were waived when he knowingly, freely and intelligently entered into his plea.¹²⁷

LaBarge's Claims are Without Merit

In addition to LaBarge's claims being procedurally barred and waived, his claims are also without merit.

Turning first to LaBarge's claims of attorney ineffectiveness, LaBarge claims that his counsel was ineffective for failing to inform him that his sentence could include 11 *Del. C.* § 4204(k) provisions, for failing to provide him with discovery, and for not filing a motion.

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

¹²⁶ Truth-in-Sentencing Guilty Plea Form dated June 22, 2023-filed under seal (attached as Exhibit A to State's response to Rule 61 motion).

¹²⁷ See, *Smith v. State*, 2024 WL 4602147, *3 (Del.); *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997); *Modjica v. State*, 2009 WL 2426675 (Del. 2009); *Miller v. State*, 840 A.2d 1229, 1232 (Del. 2004); *Mills v. State*, 2016 WL 97494, *3 (Del.).

at a level “below an objective standard of reasonableness” and that, (2) the deficient performance prejudiced the defense.¹²⁸ 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.¹²⁹

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, but for counsel’s deficiencies, the defendant would not have taken a plea but would have insisted on going to trial.¹³⁰ The burden of proving ineffective assistance of counsel is on the defendant.¹³¹ Mere allegations of ineffectiveness will not suffice; instead, a defendant must make and substantiate concrete allegations of actual prejudice.¹³²

Before turning to LaBarge’s specific claims of attorney ineffectiveness, it is noted at the onset that it is hard to envision how trial counsel’s representation of

¹²⁸ *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984).

¹²⁹ *Id.* at 687-88, 694.

¹³⁰ *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).

¹³¹ *Oliver v. State*, 2001 WL 1751246 (Del.).

¹³² *Younger v. State*, 580 A.2d 552, 556 (Del. 1990).

LaBarge 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 LaBarge was overwhelming. He was captured on video surveillance brutally and viciously attacking the victim, leaving the victim lying on the ground motionless. He was captured on video surveillance retrieving the motionless victim and putting him into the trunk of the vehicle to move him to another location. LaBarge admitted that when they returned to the location where they had dumped the victim on the steel mill property, the victim was no longer breathing. LaBarge admitted that he helped pick up the victim, who was no longer breathing, place him back into the vehicle and dump him at an even more remote location. At that remote location, LaBarge admitted he again helped take the victim out of the vehicle and watched while his co-defendants shot and burned the victim.

Given the overwhelming evidence against LaBarge, 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 be serving a life sentence without parole, plus significant additional years of imprisonment. By accepting the plea, LaBarge was sentenced to a total of thirty-five years of incarceration. LaBarge's decision to accept the plea was a prudent choice given the pending charges, the evidence against him, and the possible sentence he was facing if convicted at trial.

The Plea Agreement expressly provided that a presentence investigation would be conducted prior to sentencing.¹³³ The Plea Agreement also expressly provided that the parties agreed to “Open Sentencing.”¹³⁴ The Truth-in-Sentencing Guilty Plea Form expressly provided that for LaBarge’s conviction of Murder in the Second Degree he could be sentenced to no less than 15 years minimum-mandatory up to life in prison.¹³⁵ The Truth-in-Sentencing Guilty Plea Form also expressly stated that LaBarge could be sentenced to a total of up to “life plus 32 years” and that “aggravators may apply”.¹³⁶

LaBarge’s trial counsel, in her affidavit in response to LaBarge’s Rule 61 motion, advised that on several occasions she informed LaBarge that the minimum mandatory sentence for Murder Second Degree was 15-years of incarceration and that the Judge could sentence him up to life in prison on this single charge; plus up to 32 years on the other charges, for a total possible sentence of life plus 32 years.¹³⁷ LaBarge was also made aware that this was an “open sentence” plea and that at the time of sentencing the State could ask for a sentence of up to life on the Murder Second Degree charge.¹³⁸

¹³³ Plea Agreement dated June 22, 2023-filed under seal (attached as Exhibit A to State’s response to Rule 61 motion).

¹³⁴ *Id.*

¹³⁵ Truth-in-Sentencing Guilty Plea Form dated June 22, 2023-filed under seal (attached as Exhibit A to State’s response to Rule 61 motion).

¹³⁶ *Id.*

¹³⁷ As to Criminal No. 2207016329- D.I. 40 (Affidavit of Trial Counsel).

¹³⁸ As to Criminal No. 2207016329- D.I. 40 (Affidavit of Trial Counsel).

LaBarge's trial counsel represented that LaBarge expressed his understanding of the possible sentence he was facing in several meetings with counsel and by signing the plea agreement and Truth-in-Sentencing Guilty Plea form.¹³⁹

The record reflects that LaBarge knew that he was facing a sentence on the Murder Second Degree conviction of between 15-years minimum-mandatory up to life in prison, and that aggravators may apply at sentencing. At sentencing the Court, citing aggravators that applied, imposed a 30-year unsuspended prison sentence on the Murder in the Second-Degree conviction, 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. LaBarge's sentence on this charge was within the statutory range and was less than the maximum sentence that could have been imposed.

There was no agreement between the parties that LaBarge 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 LaBarge was facing the possibility of up to a life sentence. The Court imposed a lesser sentence of 30-years of incarceration without any form of early release. LaBarge's present claim of counsel ineffectiveness is without merit.

Turning next to LaBarge's claim of attorney ineffectiveness for not

¹³⁹ As to Criminal No. 2207016329- D.I. 40 (Affidavit of Trial Counsel).

providing him with discovery or filing a motion, these claims were waived at the time of the entry of LaBarge's plea. LaBarge could have proceeded to trial, thereby preserving his right to test the State's evidence against him, but he waived that right when he accepted his plea.

Moreover, LaBarge complains that he did not receive actual copies of his co-defendants' statements, video surveillance and/or forensic reports. He provides no support whatsoever as to how he suffered any prejudice as a result thereof. LaBarge confessed to have participated in the brutal beating of the victim. Why then does it matter if he was given still photos of the surveillance footage of the brutal assault rather than the videos themselves.

LaBarge confessed to having been in Locke's vehicle and having helped move the victim from the parking lot to the steel mill, having accompanied his co-defendants to the gas station to purchase gas, and to having accompanied his co-defendants back to the steel mill to move the victim to a more secluded spot. Why then does it matter that he did not receive the actual forensic report that his DNA was found inside Locke's vehicle. He admitted that he was in the vehicle. This fact was not in dispute.

LaBarge confessed to putting Goodson in the vehicle on several occasions, why then does it matter that LaBarge did not receive the actual forensic report that Goodson's DNA was found inside Locke's vehicle.

LaBarge understood that there was a Protective Order governing discovery in his case.¹⁴⁰ Counsel advises that she met with LaBarge and reviewed the discovery as permitted by the terms of the protective order.¹⁴¹ Counsel reviewed with LaBarge the surveillance footage of the brutal assault, the surveillance footage of the initial interactions with the victim at the Sunoco station during which co-defendant Locke had a verbal confrontation with the victim. LaBarge's counsel made LaBarge aware of his DNA being found in the Nissan, and other incriminating forensic evidence. Counsel shared with LaBarge his own confession and the initial co-defendant statements as permitted by law. Once additional co-defendant statements were made during the course of the litigation, LaBarge also became aware of them after the Court lifted Protective Orders as to those statements.¹⁴²

LaBarge admitted to having participated in the brutal beating of Goodson, to kidnapping Goodson, and to dumping him at the steel mill. LaBarge admitted to accompanying his co-defendants to purchase a can of gas and returning to the steel mill. LaBarge admits that the victim was no longer breathing when they picked him up at the steel mill to dump his body at an even more secluded spot. LaBarge admits that he watched as his co-defendants shot Goodson and lit his body on fire.

¹⁴⁰ As to Criminal No. 2207016329- D.I. 40 (Affidavit of Trial Counsel).

¹⁴¹ As to Criminal No. 2207016329- D.I. 40 (Affidavit of Trial Counsel).

¹⁴² As to Criminal No. 2207016329- D.I. 40 (Affidavit of Trial Counsel).

Given the fact that LaBarge admitted to his role in the brutal beating, kidnapping and death of Goodson, he failed to provide any support for what should have been discovered but was not and how that lack of discovery resulted in prejudice to him.

The discovery provided to LaBarge, pursuant to the Protective Order, was sufficient, his counsel was not ineffective in any respect by complying with the Protective Order, and LaBarge has failed to establish that he suffered any prejudice by those limitations.

LaBarge's final claim of attorney ineffectiveness, is that counsel was ineffective for not filing a motion. LaBarge does not contend what meritorious motion trial counsel failed to pursue. Nor does LaBarge explain how the filing of any such pre-trial motion resulted in any prejudice to him. Conclusory, unsupported and unsubstantiated claims of counsel ineffectiveness are insufficient to establish a claim of ineffective assistance of counsel.¹⁴³

LaBarge failed to establish how counsel's representation was deficient in any respect or that he was somehow prejudiced as a result thereof. LaBarge failed to make any concrete allegations of deficient conduct, let alone, deficient conduct that resulted in actual prejudice. LaBarge's unsubstantiated ineffective assistance

¹⁴³ *Younger v. State*, 580 A.2d 552, 556 (Del. 1990); *State v. Brown*, 2004 WL 74506, *2 (Del.Super. 2004)(conclusory and unsubstantiated allegations of unprofessional conduct are insufficient to support a motion for postconviction relief).

of counsel claims were untimely filed, were waived at the time of the plea, and are without merit.

Next, LaBarge claims that he was “illegally sentenced” because he was not informed that a jury decides a sentence enhancement. It appears that LaBarge is claiming that his sentence was illegal under the recently decided case of *Erlinger v. United States*.¹⁴⁴ LaBarge is incorrect in this regard.

Erlinger is not implicated in the subject case. In this case, LaBarge 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 Truth-in-Sentencing Guilty Plea Form, that set forth the possible range of sentences. The Court did not sentence LaBarge outside of the penalties provided by the applicable statute. Moreover, the Court did not apply statutory sentencing enhancements due to prior convictions.

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. None of the charges for which the Court sentenced LaBarge were subject to sentencing enhancements due to prior convictions. Rather, the Court noted specific aggravating factors relevant to LaBarge’s present case when imposing sentences consistent within the statutory framework of each offense. The Court’s finding of

¹⁴⁴ 602 U.S. 821 (2024).

aggravating facts related to SENTAC guidelines for the present crimes committed, not for prior convictions. The Court did not enhance the sentence due to prior convictions. This claim is without merit.

LaBarge's final claim is that the State engaged in misconduct by not giving him any of his discovery. This claim is procedurally barred as untimely, was waived at the time of his plea, and is also procedurally barred by Superior Court Criminal Rule 61(i)(3) for failing to raise this claim on direct appeal if he genuinely believed it had any merit.

This claim is also without merit as the State did provide unredacted discovery materials to LaBarge's counsel. Counsel complied with the terms of the protective order by showing LaBarge what he was permitted to review. As previously discussed, LaBarge admitted to his role in the brutal beating, kidnapping and death of the victim. He has failed to provide any support as to what the State should have provided, but did not, and how that lack of discovery resulted in prejudice to him.

This claim is procedurally barred, waived at the time of the plea, and without merit.

CONCLUSION

Following a careful review of the record, and for the reasons discussed above, the Court concludes that the claims raised in LaBarge's Rule 61 Motion for Postconviction Relief and Motion for Modification of Sentence should be **DENIED**. LaBarge's Rule 61 Motion for Postconviction Relief was untimely filed, the claims raised therein were waived at the time he entered into his valid plea, and both pending postconviction motions are without merit.

IT IS SO RECOMMENDED.

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

cc. Prothonotary
Diane M. Coffey, Esquire