

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

State of Delaware)	
)	
5.))	ID# 0005023797
Andre Elliott,)	
Defendant)	
)	
)	

Submitted: May 18, 2001
Decided: September 21, 2001

ORDER

Now this 21st day of September, 2001, after consideration of defendant's Motion to Withdraw Plea of Guilty to the charge of Rape in the Second Degree, and after an Evidentiary hearing the Court concludes as follows:

- 1) Defendant's position that he was unaware of the potential sentence is false in that he was advised by counsel, the court and the guilty plea form he signed of the sentence.
- 2) Defendant's position that he was coerced by his attorney is totally unsubstantiated.
- 3) Defendant's statement that he is innocent is unsupported by his statements to the police and the video tape of his commission of the offense and his reaction to being shown a still photo of part of the tape.
- 4) Defendant received adequate legal representation throughout these proceedings.

Wherefore, his Motion to Withdraw Plea is DENIED.

IT IS SO ORDERED.

The Honorable Richard S. Gebelein

cc: Prothonotary
Presentence
Defendant
Brian Bartley, Esq.
Andrew Vella, Esq.
Kevin O'Connell, Esq.