

SUPERIOR COURT OF DELAWARE

State v. Cosme

Cosme · No. ID No. 2306007269 · Decided March 16, 2026

SUMMARY

The Delaware Superior Court denied Michael A. Cosme’s motion for postconviction relief arising from his guilty plea to possession of a firearm by a person prohibited. The court rejected claims of a coerced plea, ineffective assistance of counsel, denial of speedy-trial and confrontation rights, and improper sentencing enhancement. The court also granted appointed counsel’s motion to withdraw.

CASE DETAILS

COURT	Superior Court of Delaware
WRITING FOR THE COURT	Ferris W. Wharton
JURISDICTION	Delaware Superior Court
DECIDED	March 16, 2026
DOCKET	ID No. 2306007269
DISPOSITION	other
PROCEDURAL POSTURE	Defendant sought postconviction relief under Delaware Superior Court Criminal Rule 61 after pleading guilty to possession of a firearm by a person prohibited. Appointed postconviction counsel moved to withdraw after determining that the claims lacked merit.
STANDARD OF REVIEW	The court first applies the procedural bars in Superior Court Criminal Rule 61(i) before reaching the merits. Postconviction claims are denied when the movant fails to establish a legally sufficient claim for relief; ineffective-assistance claims are evaluated under the two-pronged Strickland standard.
PRECEDENTIAL VALUE	Published opinion
PARTIES	State of Delaware v. Michael A. Cosme

TOPICS

- state post-conviction relief
- post-conviction relief
- ineffective assistance
- plea bargaining
- sentencing

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Cosme's postconviction claims were barred under Superior Court Criminal Rule 61(i).
2. Whether Cosme established that his guilty plea was coerced or involuntary.
3. Whether Cosme established ineffective assistance of counsel based on alleged suppression-related failures.
4. Whether Cosme's guilty plea waived claims concerning alleged speedy-trial, confrontation, or preliminary-hearing errors.
5. Whether Cosme's sentence was unlawfully enhanced because one or more predicate convictions allegedly did not qualify as violent felonies.

HOLDINGS

1. Cosme's motion was timely and his first postconviction motion, so the time-limit and successive-motion bars in Rule 61(i)(1) and (2) did not apply. Claims not raised before judgment could be procedurally defaulted under Rule 61(i)(3), but the court addressed the challenged claims on their merits; the ineffective-assistance claim was not barred because it could not have been raised earlier.
2. Cosme failed to establish that his guilty plea was coerced or involuntary. His sworn plea-form answers and plea-colloquy statements that he was pleading freely and voluntarily and had not been threatened were presumed truthful and were not overcome by clear and convincing evidence.
3. Cosme's ineffective-assistance claim failed because it was conclusory and unsupported. He did not identify the evidence allegedly subject to suppression, the legal basis for suppression, or concrete prejudice resulting from counsel's conduct.
4. Cosme's guilty plea waived challenges to alleged errors occurring before the plea, including the asserted inability to confront witnesses at the preliminary hearing. In addition, alleged preliminary-hearing errors had no bearing on the subsequent conviction.
5. Cosme's enhanced sentence was lawful. The 2011 PWID conviction was classified as a violent felony under the applicable law, and the two robbery convictions independently qualified as two violent felonies sufficient to support the ten-year minimum mandatory sentence for PFBPP.

KEY QUOTATIONS

“A successful Sixth Amendment claim of IAC requires a showing “that there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.”” (7)

“Furthermore, any alleged errors concerning a preliminary hearing “[have] no bearing on a defendant’s subsequent conviction.”” (8)

FACTUAL BACKGROUND

Cosme pleaded guilty to possession of a firearm by a person prohibited and agreed to a sentence of fifteen years at Level V, suspended after the ten-year minimum mandatory period. On his plea form and during the plea colloquy, he stated that he was pleading freely and voluntarily and that no one had threatened or forced him to plead guilty. His postconviction motion alleged a coerced plea, ineffective assistance based on suppression issues, denial of a speedy trial and confrontation rights at a preliminary hearing, and an unlawful sentencing enhancement based on prior felony convictions.

PROCEDURAL HISTORY

Cosme pleaded guilty to possession of a firearm by a person prohibited on March 4, 2024, and received the agreed sentence of fifteen years at Level V, suspended after the ten-year minimum mandatory period. He did not appeal. He filed a pro se motion for postconviction relief in February 2025, counsel was appointed, and appointed counsel moved to withdraw. The Superior Court denied postconviction relief and granted counsel's motion to withdraw.

DISPOSITION

other

CASES CITED

- Younger v. State, 580 A.2d 552, 554 (Del. 1990)
- Somerville v. State, 703 A.2d 629, 632 (Del. 1997)
- Hammons v. State, 2005 WL 2414271, at *1 (Del. Sept. 28, 2005)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Wright v. State, 671 A.2d 1353, 1356 (Del. 1996)
- Dawson v. State, 673 A.2d 1186, 1196 (Del. 1996)
- Ploof v. State, 75 A.3d 811, 825 (Del. 2013)
- Rodriguez v. State, 2004 WL 1857547, at *1 (Del. Jan. 15, 2004)
- State v. Bailey, 2004 WL 2914320, at *2 (Del. Super. Ct. Dec. 13, 2004)