25-P-109 Appeals Court

COMMONWEALTH vs. CHARLES B. PRICE.

No. 25-P-109.

Suffolk. October 7, 2025. – December 18, 2025.

Present: Blake, C.J., Henry, & Hershfang, JJ.

Homicide. Armed Assault with Intent to Rob. Constitutional Law, Plea, Sentence. Practice, Criminal, Plea, Sentence.

Indictments found and returned in the Superior Court Department on October 6, 1978.

A motion to withdraw a plea of guilty, filed on July 26, 2024, and a motion for postconviction funds to hire an expert, filed on December 27, 2024, were heard by Christopher P. Belezos, J.

Kathryn Karczewska Ohren for the defendant.
Paul B. Linn, Assistant District Attorney, for the Commonwealth.

BLAKE, C.J. In March 1979, the defendant, Charles Price, then aged eighteen, pleaded guilty to murder in the second degree and armed assault with the intent to rob. More than forty-five years later, on July 26, 2024, he filed a motion to withdraw his plea, and later, he filed a motion for funds to

hire an expert to support his motion to withdraw his plea. The defendant claimed that his plea was coerced because he was charged with murder in the first degree and faced a sentence of life in prison without parole, a now unconstitutional sentence for emerging adults.[1] See Commonwealth v. Mattis, 493 Mass. 216, 235 (2024). The judge denied both motions. This appeal followed. We affirm.

Background. In 1978, the defendant and his two codefendants attempted to rob Stefanos Kyriakidis, who was fatally shot. Thereafter, the defendant was indicted for murder in the first degree and armed assault with the intent to rob (assault indictment). During the course of the proceedings, the Commonwealth offered to reduce the murder charge from first to second degree and offered to recommend a sentence of life with the possibility of parole on the murder indictment and a concurrent sentence of five to fifteen years on the assault indictment. During the change of plea hearing, the judge asked the defendant if he had discussed the change of plea with his attorney and whether he was satisfied with the attorney's advice; the defendant replied affirmatively. The defendant also confirmed that no one had threatened or pressured him to change

[1] Emerging adults include "those who were eighteen, nineteen, [or] twenty years of age when they committed" a crime. Commonwealth v. Mattis, 493 Mass. 216, 217 (2024).

his plea. The judge accepted the defendant's plea and sentenced him consistent with the agreed-upon disposition.

The defendant, acting pro se, filed a motion to withdraw the guilty plea on August 17, 2022, which was amended on July 26, 2024, after counsel was appointed.[2] As previously noted, the defendant claimed that his plea was coerced because he faced a sentence of mandatory life in prison without parole if he was convicted of murder in the first degree, a sentence that is now considered unconstitutional for emerging adults. See Mattis, 493 Mass. at 235. He also argued that as an eighteen year old, he had diminished capacity to knowingly, intelligently, and voluntarily waive his right to trial, and therefore he is entitled to withdraw his plea.[3]

Discussion. "A motion to withdraw a guilty plea is treated as a motion for a new trial." Commonwealth v. Barros, 494 Mass. 100, 111 (2024). A motion for a new trial should only be

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[2] This is the defendant's fourth motion to withdraw guilty plea. His prior motions were filed in 1980, 2004, and 2011.

[3] The defendant timely filed a motion for an evidentiary hearing. A judge, on a motion for a new trial, may "rule on the motion 'on the basis of the facts alleged in the affidavits without further hearing if no substantial issue is raised by the motion or affidavits.'" Commonwealth v. Goodreau, 442 Mass. 341, 348 (2004), quoting Mass. R. Crim. P. 30 (c) (3), 378 Mass. 900 (1979). Because there was "no showing that, in addition to the evidence submitted, an evidentiary hearing would have aided the judge in deciding the issue[,] . . . the judge did not abuse his discretion by deciding the motion without one." Commonwealth v. Robinson, 493 Mass. 718, 724 (2024).

granted if it "appears that justice may not have been done." Commonwealth v. Scott, 467 Mass. 336, 344 (2014). See Commonwealth v. Berrios, 447 Mass. 701, 708 (2006), cert. denied, 550 U.S. 907 (2007). We review the denial of a motion for a new trial for a significant error of law or abuse of discretion. Id.

The defendant contends that the holding in Mattis, 493 Mass. at 235, requires that his motion to withdraw his pleas be allowed. In Mattis, following a trial, the defendant was convicted of murder in the first degree and sentenced to a "mandatory term of life in prison without the possibility of parole." Id. at 217. The defendant argued that his sentence was unconstitutional because he was eighteen years old at the time of the crimes and, therefore, he is "entitled to the same protection as juvenile offenders . . . convicted of murder in the first degree, who receive a term of life with the possibility of parole." Id. The court held that a "sentence of life without the possibility of parole for emerging adult offenders violates [Article] 26." Id. at 235. Here, the defendant asks us to extend the holding in Mattis to cases in which an emerging adult pleaded guilty to murder in the second degree due to an alleged fear of serving a mandatory life sentence without the possibility of parole. We decline to do so.

In his affidavit filed in support of his motion, the defendant asserted that he accepted the plea offer for only one reason: he feared being convicted of murder in the first degree and being sentenced to life in prison without the possibility of parole. More specifically, he asserted that "but for the threat of mandatory life and death in prison, [he] would have contested [a codefendant's] lies." However, the "stress inherent in entering guilty pleas, such as the concern of possibly receiving a harsher sentence if a defendant is tried and found guilty . . . do not necessarily render pleas involuntary." Berrios, 447 Mass. at 708. Moreover, a guilty plea is not compelled and "invalid under the Fifth Amendment [to the United States Constitution] whenever motivated by the defendant's desire to accept the certainty or probability of a lesser penalty rather than face . . . a higher penalty." Brady v. United States, 397 U.S. 742, 751 (1970). The decision to plead guilty "typically entails a deliberate choice to accept the risks and rewards of a deal, and that decision may not be casually set aside on the basis of buyer's remorse." Dingle v. Stevenson, 840 F.3d 171, 174 (4th Cir. 2016), cert. denied, 581 U.S. 961 (2017).

"[A] voluntary plea of guilt intelligently made in the light of the then applicable law does not become vulnerable because later judicial decisions indicate that the plea rested on a faulty premise." Brady, 397 U.S. at 757. Even if the

defendant pleaded guilty only to avoid a now-unconstitutional sentence, it does not change the fact that, at the time, his decision to plead guilty was made voluntarily and with knowledge of his available options. See Commonwealth v. Fanelli, 412 Mass. 497, 500 (1992). The defendant's plea is not rendered involuntary by subsequent judicial decisions that would have changed his calculus about whether to plead guilty. See Brady, 397 U.S. at 757.

In addition, a defendant's plea of guilty is voluntary if it is made with an "understanding of the nature of the charge and the consequences of the plea . . . [and is] entered without coercion, duress, or improper inducements" (quotations and citations omitted). Commonwealth v. DiBenedetto, 491 Mass. 390, 406 (2023). The defendant acknowledged that his attorney explained the defenses available to him and described the best and worst outcome scenarios should he proceed to trial, and the defendant agreed that he knew that he had the ability to avoid a mandatory life sentence without parole if he accepted the plea deal.

> "A plea of guilty triggered by the expectations of a competently counseled defendant that the State will have a strong case against him is not subject to later attack because the defendant's lawyer correctly advised him with respect to the then existing law as to possible penalties but later pronouncements of the courts, as in this case, hold that the maximum penalty for the crime in question was less than was reasonably assumed at the time the plea was entered."

Brady, 397 U.S. at 757. The defendant was "competently counseled" with respect to the then-existing law and therefore had all the available information to assess his options at the time he made the decision to plead guilty. See id.

Additionally, the court in Mattis, 493 Mass. at 225, reasoned that emerging adults

> "(1) have a lack of impulse control similar to sixteen and seventeen year olds in emotionally arousing situations, (2) are more prone to risk taking in pursuit of rewards than those under eighteen years and those over twenty-one years, (3) are more susceptible to peer influence than individuals over twenty-one years, and (4) have a greater capacity for change than older individuals due to the plasticity of their brains" (footnote omitted).

Put differently, emerging adults are more vulnerable to risk-taking and are "less able to envision future consequences," and therefore their age must be considered in sentencing. Id. at 226. The circumstances around submitting a plea of guilty to the court are not the same as the circumstances around committing a crime as an emerging adult. Rather than taking a risk, the defendant made the decision to plead guilty with the advice of counsel, after his options were explained to him. He had time to consider these options and to decide whether to take the plea offer. In so doing, the defendant was able to "envision future consequences," and the plea -- as contrasted with a conviction after trial -- was not the "emotionally

arousing" situation that the court cautioned against in Mattis. Id. at 225.

To be sure, "special caution" is required when reviewing a juvenile's decision to waive a right. Commonwealth v. Yardley Y., 464 Mass. 223, 230 & n.11 (2013), quoting Commonwealth v. Cain, 361 Mass. 224, 228 (1972). However, the judge "bears the responsibility to ensure the defendant has made a knowing and voluntary waiver," and "we give due deference to the judge, who properly used . . . discretion to determine whether the defendant pleaded knowingly and voluntarily at the time of his plea." Yardley Y., supra at 230 & n.11. See Commonwealth v. Taron T., 104 Mass. App. Ct. 219, 233 n.20 (2024). We discern no abuse of that discretion here.

"That a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination." Commonwealth v. Delratez, 106 Mass. App. Ct. 228, 232 (2025) quoting McMann v. Richardson, 397 U.S. 759, 770 (1970). Making the decision to plead guilty often involves "imponderable questions for which there are no certain answers; judgments may be made that in the light of later events seem improvident, although they were perfectly sensible at the time." Brady, 397 U.S. at 756-757. Because the defendant's "plea was intelligent and voluntary at the time it was entered," we conclude that the judge did not err in denying

the defendant's motion to withdraw his plea (emphasis added).[4] Commonwealth v. Perry, 389 Mass. 464, 466 n.3 (1983).

The orders denying the motions to withdraw a plea of guilty and for postconviction funds are affirmed.

So ordered.

[4] In light of our conclusion, the judge did not abuse his discretion in denying the defendant's motion for expert funds.