

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTINA PAOLI,	§
	§
Defendant Below,	§ No. 441, 1999
Appellant,	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware in and
	§ for New Castle County
STATE OF DELAWARE,	§ Cr.A. Nos. IN97-12-1309, 1311,
	§ and 1312
Plaintiff Below,	§
Appellee.	§

Submitted: July 18, 2000

Decided: July 28, 2000

Before VEASEY, Chief Justice, WALSH and HOLLAND, Justices.

O R D E R

This 28<sup>th</sup> day of July 2000, upon consideration of the briefs of the parties the Court concludes that:

(1) In this appeal following her conviction in the Superior Court of fraud and conspiracy the appellant, Christina Paoli (“Paoli”), contends that the State presented evidence, through the testimony of a police officer, of her unwillingness to speak to the investigating officer. This testimony, it is alleged, abridged Paoli’s right to remain silent and permitted the jury to draw an impermissible inference of guilt.

(2) Paoli’s contact with the Newark Police Department was self-initiated when she reported the theft of her automobile — a report that ultimately

proved false. A police detective pursuing the investigation contacted Paoli, who on one occasion refused to speak with the officer. After her arrest, Paoli also refused to discuss the case with the investigating officer. When this testimony was offered at trial, Paoli made no objection. Indeed, defense counsel on cross-examination inquired further into the circumstances of the officer's post-arrest contact with the defendant.

(3) In view of the failure of the defendant to lodge a timely objection to the testimony in dispute, the trial court was denied the opportunity to restrict or strike the testimony. Under the circumstances, the objection is deemed waived. Moreover, we do not view the testimony as directed to police interrogation as such but merely part of follow-up investigation following police involvement initiated by the defendant. Clearly, the receipt of this testimony did not jeopardize the "fairness and integrity of the trial process" and, thus, did not constitute plain error. *Wainwright v. State*, Del. Supr. 504 A.2d 1096, 1100 (1986).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh

Justice