

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JONATHAN KING,	§	
	§	No. 281, 2005
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for Kent County
	§	
Plaintiff Below,	§	Cr. I.D. No. 0407026285
Appellee.	§	

Submitted: January 11, 2006
Decided: February 22, 2006

Before **STEELE**, Chief Justice, **BERGER** and **RIDGELY**, Justices.

ORDER

This 22nd day of February, 2006, on consideration of the briefs and arguments of the parties, it appears to the Court that:

1) Jonathan King appeals from his conviction, following a jury trial, of possession of cocaine, possession of a deadly weapon by a person prohibited, carrying a concealed deadly weapon, driving under the influence of alcohol, and several motor vehicle offenses. His sole argument is that the trial court erred in denying his motion to suppress the evidence discovered during a traffic stop.

2) On the evening in question, Dover Police Officer Jon K. Littlefield was driving an unmarked police car on Route 13 in Dover. King, who was ahead of

Littlefield, was driving a motorcycle. Littlefield noticed that the motorcycle's kickstand was down and that King appeared to be having trouble releasing the clutch. Based on those two observations, Littlefield punched the motorcycle license plate number into the mobile computer in his car in order to determine who owned the motorcycle. Littlefield testified that all patrol cars have mobile car computers and that it is standard procedure for the Dover Police Department to use them while on the road. The database that Littlefield accessed was from the Division of Motor Vehicles, and included identification of the type of vehicle, VIN number, owner, and the vehicle's status as stolen or not stolen.

3) The response to Littlefield's computer inquiry included a "flag" and a notation stating that the motorcycle had been transferred to a dealer three months earlier. Littlefield testified that, when a vehicle is transferred to another owner, its registration becomes invalid and the vehicle may not be operated on the road until it is re-registered.

4) Littlefield decided to stop King for a traffic violation. Littlefield activated his lights and siren in an effort to pull King over, but King attempted to flee. After a one-mile chase, King lost control of the motorcycle and crashed. Littlefield found the cocaine and knife when he arrested King.

5) King argues that Littlefield's stop was not based on a reasonable articulable suspicion because there was no evidence establishing the accuracy of the database Littlefield accessed from his car computer. At trial, the State never offered proof that the motorcycle was unregistered, and that charge was dismissed. King tries to connect the State's failure to pursue the registration offense with his claim that the computer database was unreliable.

6) We hold that the trial court correctly denied the motion to suppress. Littlefield was suspicious of King because King was driving with his kickstand down and because he seemed to be having trouble with the clutch. The registration information that Littlefield obtained from his computer was an "objective fact" supporting his reasonable suspicion that King was not authorized to drive that vehicle. There was no evidence to suggest that the mobile computer database is untrustworthy. To the contrary, Littlefield testified that the Dover Police Department routinely relies on the information it obtains from its mobile computers, and that he accessed a database from a State agency, the Department of Motor Vehicles. Under these circumstances, it does not matter whether the registration information, in fact, was correct. It was sufficient to form a reasonable, articulable suspicion that King was committing a motor vehicle offense.¹

¹ See: *Terry v. Ohio*, 392 U.S. 1 (1968); *Quarles v. State*, 696 A.2d 1334, 1337 (Del. 1997).

Now, therefore, it is ORDERED that the judgments of the Superior Court be,
and the same hereby are, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice