IN THE SUPREME COURT OF THE STATE OF DELAWARE

RANDAL MATOO,	§	
	§	No. 500, 2006
Defendant Below,	§	
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware
	§	in and for New Castle County
STATE OF DELAWARE	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: March 28, 2007
Decided: May 8, 2007

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

O R D E R

This 8th day of May, 2007, on consideration of the briefs of the parties, it appears to the Court that:

(1) Randal Matoo appeals from his convictions, following a bench trial, of first degree assault and possession of a firearm during the commission of a felony (PFDCF). He argues that there was insufficient evidence to support the verdicts and that the trial court acknowledged as much when commenting on the evidence. We find no merit to this argument, and affirm.

(2) On the evening of August 1, 2005, Matoo and an associate, Jeremy McDole, were walking around in the neighborhood of West Second Street and

Delamore Place in Wilmington, talking and smoking marijuana. Matoo was walking behind McDole when several gunshots struck McDole in the back. Matoo testified that he heard a "brief scuffle" and then a shot. He ran to a friend's house and then returned to the YMCA, where he had been staying. Because he was afraid for his own safety, Matoo returned to his home in St. Croix the next day.

(3) McDole testified that, while they were walking, Matoo showed him a revolver Matoo was carrying. McDole also told the police that Matoo was the person who shot him. At trial, however, McDole testified that he did not see who shot him. McDole also testified that he and Matoo had not argued or otherwise had a problem before the shooting.

(4) Matoo argues that this evidence is insufficient to support a guilty verdict, and that the trial court admitted that there was reasonable doubt when the court said, "I don't know what happened here.... [T]he explanation simply made no sense at all." But Matoo's selective quote omits the critical portions of the trial court's ruling:

> [T]here was an offense, there was an assault, there was a shooting....Based on [Matoo's] testimony and the testimony of Mr. McDole, it's clear that no one else was around ... but the two of you. Mr. McDole claims not to have seen the actual shooting, and there's no reason for him, in his present condition, to make up such a story. The explanation given, quite candidly, by you was simply not credible.... And in light of your testimony and Mr. McDole's testimony as to where you stood, it's virtually impossible for someone to have come up and done what you claim they did and for you to run past Mr. McDole, under the circumstances, without getting hit. It simply wasn't credible.

> Also significant in my reasoning and the testimony was evidence surrounding the flight, the departure from the continental United States and return to St. Croix. To me, it's clear evidence of guilt ....
>
> I don't know what happened here. But if either one of you expect me to believe that this wasn't associated with some other wrongdoing, think again. There's a horrible penalty that both of you, the victim, Mr. McDole, and you the defendant, Mr. Matoo, are going to pay for whatever was behind this. But the explanation simply made no sense at all.
>
> But I do find beyond a reasonable doubt that you are guilty of the lesser-included offense of assault first degree and possession of a firearm during the commission of a felony.[1]

(5) In sum, the trial court found that Matoo's testimony was not credible; that something else must have been going on that led to the shooting; and that Matoo had to have been the one who shot McDole. The trial court recounted the evidence in support of its verdict, and that evidence is more than enough to find Matoo guilty beyond a reasonable doubt.[2]

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

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[1] Appellant's Appendix, A93-94.

[2] *Poon v. State*, 880 A.2d 236,238 (Del. 2005).