

Superior Court
of the
State of Delaware

Jan R. Jurden
Judge

New Castle County Courthouse
500 North King Street, Suite 10400
Wilmington, Delaware 19801-3733
Telephone (302) 255-0665

Date Submitted: September 5, 2008
Bench Ruling Issued: September 5, 2008
Written Decision: September 8, 2008
Date Amended: September 9, 2008

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RE: State of Delaware v. Tyrone Gibson, ID# 0602015743
Upon Defendant's Motion to Suppress - GRANTED

Dear Counsel:

The Court has previously ruled that the defendant's statement was obtained in violation of *Miranda*. In follow up to the Court's comments and bench ruling on Friday, September 5, 2008, the Court holds that the State may not use Mr. Gibson's statement for impeachment purposes should Mr. Gibson testify at trial. Given all the circumstances, the Court is not satisfied that Mr. Gibson's statement was voluntary, and the Court is also not satisfied that the statement is trustworthy. *See Mincey v. Arizona*, 437 U.S. 385 (1978); *Foraker v. State*, 394 A.2d 208 (Del. 1978). Mr. Gibson's documented mental retardation and cognitive limitations (noted in great detail by experts for the State and the defense), his lack of a high school degree, and his lack of prior dealings with the police, coupled with the custodial setting and the interrogator's comment telling Gibson he had to tell her what happened, render his statement involuntary - not the product of his "free and rational choice." *See also Mental Health Status and Vulnerability to Police Interrogation Tactics*, CRIM. JUST. Fall 2007, at 5-7. Use of Mr. Gibson's statement for any purpose under these circumstances would be a denial of due process of law.

IT IS SO ORDERED.

Jan R. Jurden, Judge

cc: Prothonotary – Original
Allison L. Texter, Esq.
Brian J. Chapman, Esq.