

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

CHRISTOPHER B. LUNDIN,)	
Appellant,)	
)	
v.)	C.A. No.: 09A-02-007 FSS
)	
JENNIFER K. COHAN,)	
DIRECTOR, DIVISION OF)	
MOTOR VEHICLES,)	
Appellee.)	
)	

Submitted: April 16, 2010
Decided: May 5, 2010

ORDER

**Upon []* Appeal From the Court of Common Pleas –
*AFFIRMED***

1. On appeal from the Division of Motor Vehicles,¹ the Court of Common Pleas affirmed the revocation of Lundin’s driving privileges, Lundin having admittedly refused a blood test. Lundin now appeals the Court of Common Pleas decision.

2. In the Court of Common Pleas, and here, Lundin has insisted that the DMV hearing was flawed because the arresting officer failed to read aloud, at the

*Caption corrected for publication.

¹*Lundin v. Cohan*, 2009 WL 188001 (Del. Com. Pl. Jan. 28, 2009) (Smalls, C.J.).

hearing, the implied consent law notice he read to Lundin at the time Lundin refused the test.

3. The form that the officer read was in evidence. Hence, Lundin's only support, *Duonnolo v. Department of Public Safety*,² is distinguishable.

4. *Hicks v. Shahan*³ holds that the officer's reciting the given notice from memory at the DMV hearing is enough.

5. Here, the officer submitted the script to the DMV, but failed to recite the dialogue. As a matter of law, that is good enough, too. The Court of Common Pleas held as much, and it was legally correct.

For the foregoing reasons, the January 28, 2009 decision is

AFFIRMED.

IT IS SO ORDERED.

/s/ Fred S. Silverman

Judge

cc: Prothonotary (Civil)
Louis B. Ferrara, Esquire
Frederick H. Schranck, Deputy Attorney General

²C.A. No. 5191 (Del. Super. Dec. 13, 1976) (Taylor, J.).

³1994 WL 710881 (Del. Super. Nov. 14, 1994) (Lee, J.).