IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)		
)		
)		
v.)	Case No.	1508006714
)		
)		
MARQUESE L. GIVENS)		
Defendant)		

ORDER

In considering defendant's Motion for Judgment of Acquittal and the State's Response, the defendant's Motion is **DENIED**.

Defendant stipulated he was a person prohibited and the jury could reasonably conclude that he possessed or controlled a deadly weapon. Defendant's statements to the police officers as well as his girlfriend's statements provide more than sufficient evidence to satisfy the elements of the crimes charged.

Defendant also claims prosecutorial misconduct in that the prosecutor failed to inform the jury as to the element of "intention." The Court read each and every element of the crimes charged to the jury prior to counsel giving their closing arguments. The jury also had copies of the instruction during their deliberations. The Court states the law applicable to the case not the attorneys. There was no manipulation of the jury. In fact, on Page 13 of the transcript of closing arguments the prosecutor indicates for constructive possession, the defendant had to have the power and intention at a given time to exercise control over the firearm.

Defendant's claim that at no time did the prosecutor mention the word "intention" is incorrect and also there was no objection at trial, so the argument is waived.

IT IS SO ORDERED.

/s/Calvin L. Scott

The Honorable Calvin L. Scott

Dated: March 16, 2016 Original: Prothonotary

cc: Michael Degli Obizzi, Esq., Deputy Attorney General

Francis E. Farren, Esquire