

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)
)
)
 v.)
)
 GREGORY WOOLFORD,) ID NO. 2208006712
)
 Defendant.)
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)

Date Submitted: April 28, 2023
Date Decided: May 30, 2023

*Upon the Defendant's Motion to Suppress. **DENIED.***

ORDER

Thomas J. Williams, Esquire, Deputy Attorney General, Department of Justice,
Wilmington, Delaware, Attorney for the State of Delaware.

Richard B. Ferrara, Esquire, Ferrara & Haley, Wilmington, Delaware, Attorney for
Defendant.

SCOTT, J

INTRODUCTION

Defendant Gregory Woolford (“Mr. Woolford”) is charged in this Court with one count of Driving Under the Influence. Mr. Woolford moved to suppress statements made and blood alcohol results because he believes the arresting officer lacked probable cause to arrest him. For the reasons set forth below, the Motion to Suppress is **DENIED**.

STATEMENT OF FACTS

On August 13, 2022, Officer Carter (“Officer”) of the New Castle Country Police Department was on patrol around Hawk Drive and Finch Way, searching for a suspect that was involved in a physical domestic incident and fled the scene. The Officer canvassed the area and observed a gray Lexus ES300 parked on the shoulder of Hawk Drive with the engine on. She saw an occupant, later identified as Mr. Woolford, seated in the driver’s seat with his head down. The Officer believed Mr. Woolford was using his cell phone. The Officer continued past the Lexus to continue looking for the domestic incident suspect. After being unable to find the domestic accident suspect, the Officer drove up next to Mr. Woolford and asked if he had observed the suspect. Mr. Woolford did not respond.

The Officer pulled her vehicle behind Mr. Woolford’s vehicle, approached, and made contact with Mr. Woolford. Officer announced her presence and knocked on the window multiple times. Mr. Woolford had loud music playing and the Officer

observed Mr. Woolford was drooling with his chin resting on his chest and he was wearing sunglasses. Officer also noted a strong odor of alcohol and cologne emanating from the vehicle. Officer yelled at Mr. Woolford to wake up and she opened the driver's side door and attempted to shake Mr. Woolford. With no avail, the Officer rubbed her fist against Mr. Woolford's upper arm to wake Mr. Woolford and he finally became alert. Mr. Woolford could not be understood by the Officer because he was confused, incoherent, and mumbling.

Officer instructed Mr. Woolford to remove his seat belt. Mr. Woolford shifted the vehicle from park into an unknown gear with his foot on the brake pedal. There was a question about whether Mr. Woolford's car was running. Considering Mr. Woolford's ability to shift gears and such action may only occur when a car is on, the car's engine was running. The Officer instructed Mr. Woolford to put the car in park. Mr. Woolford leaned over and attempted to close the driver side door with his left hand. Officer deployed her taser and aimed it at Mr. Woolford's thigh. Mr. Woolford attempted against to close the driver's door and the Officer stopped the action from occurring. Mr. Woolford then took his hands off the steering wheel and the Officer ordered him to put his hands on the steering wheel. Mr. Woolford was continuously reminded to place his hands back on the steering wheel while the Officer talked with him. Officer noted Mr. Woolford slurred his words when he spoke with her. When Officer asked if Mr. Woolford had anything to drink, Mr.

Woolford sighed, put his head down, and said “I’m going right here to the crib... I pulled over so I could go home.”

Officer ordered Mr. Woolford out of the car. He slowly removed his seatbelt and exited the vehicle. Officer placed Mr. Woolford under arrest for being under the suspicion of Driving Under the Influence.

Officer escorted Mr. Woolford to the back of her patrol vehicle and asked him questions about who was on the vehicle’s registration. He refused to answer any questions. Officer removed the sunglasses Mr. Woolford was wearing and noticed his eyes were bloodshot. Officer transported Mr. Woolford to New Castle County Police Headquarters. Mr. Woolford advised Officer “you know you’re your problem is... you don’t love me... God does,” demanded he be taken to his residence, and spit inside the police vehicle. Officer continued to observe mumbled and slurred speech. Ultimately, at New Castle County Police Headquarters, the Officer applied for a search warrant for Mr. Woolford’s blood and the request was granted by the courts. His blood was collected, and results revealed his BAC was .22.

DEFENDANT’S POSITION

Mr. Woolford seeks suppression of his blood sample because he argues his arrest was not supported by probable cause that he was under the influence of alcohol. Mr. Woolford argues the Officer did not possess sufficient probable cause

for arrest because according to Mr. Woolford, at the time of arrest, Officer had not observed any odor, the condition of his eyes, and his speech was understandable with Mr. Woolford being responsive to the Officer. Therefore, it is Mr. Woolford's position that the blood sample should be suppressed because it was obtained through an arrest lacking probable cause.

DISCUSSION

Probable Cause Existed for Mr. Woolford's Arrest

Probable cause is determined by the totality of the circumstances and requires a showing of a probability that criminal activity is occurring or has occurred.¹ Probable cause exists where the facts and circumstances within the police officer's knowledge, and of which the police officer had reasonably trustworthy information, are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.²

In *Bease v. State*, Police officer who stopped defendant's vehicle after observing defendant make illegal lane change had probable cause to believe that defendant was driving while under influence of drugs or alcohol, as justification for administering intoxilyzer test; officer observed defendant's erratic driving, officer

¹ *State v. Maxwell*, 624 A.2d 926, 928 (Del.1993).

² *Id.* at 930 (citing *Brinegar v. United States*, 338 U.S. 160, 175-76, 69 S.Ct. 1302, 93 L.Ed. 1879 (1949)).

detected alcohol on defendant's breath when he approached defendant's vehicle and spoke with defendant, defendant's eyes appeared bloodshot and glassy, and defendant admitted that he had consumed wine or beer the night before.³

Comparing the facts of this case to *Bease*, probable cause exists for an arrest for driving under the influence. Here, there is even more overwhelming evidence of an intoxicated driver because Mr. Woolford was pulled over with his car a few feet into the public roadway with his car running, the smell of alcohol and cologne was detected, Mr. Woolford was in such a deep sleep with his window down that the yelling of the Officer did not wake him, he was wearing sunglasses at 1:30 A.M., tried to put the car in gear, and was not understandable in verbal communications. Based on these observations from the Officer, probable cause existed for Mr. Woolford's arrest for being suspected of driving under the influence. As such, the blood sample analysis is not suppressed.

Based on the totality of the circumstances, probable cause existed to arrest Defendant. For the aforementioned reasons, Defendant's Motion to Suppress is hereby **DENIED**.

/s/ Calvin L. Scott
Judge Calvin L. Scott, Jr.

³ *Bease v. State*, 884 A.2d 495 (Del. 2005).