

IN THE SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

JOSEPH R. SLIGHTS, III  
ASSOCIATE JUDGE

NEW CASTLE COUNTY COURTHOUSE  
500 NORTH KING STREET  
WILMINGTON, DELAWARE 19801  
(302) 255-0656

June 16, 2004

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***Re: State v. Roland Wells***  
**Def. I.D.: 0309013835**  
**Decision After Trial**  
**As to Counts I and II of the Indictment: GUILTY**

Dear Counsel,

As you know, this matter was tried to the Court on June 10, 2004. The defendant, Roland Wells, was indicted by the grand jury for driving under the influence of alcohol (felony) and driving while license is suspended or revoked. The evidence at trial revealed that the New Castle County Police were called to respond to a single vehicle accident on Veal Road in Claymont, Delaware at approximately

8:15 p.m. on September 13, 2003. Upon arrival, the officer encountered the defendant standing next to the vehicle involved in the accident. Because the accident had occurred outside of his jurisdiction, the County Police Officer waited for a State Police trooper to arrive and then handed the investigation over to him.

The trooper's investigation revealed the following: (1) the defendant had a strong odor of an alcoholic beverage on his breath; (2) his eyes were bloodshot; (3) his speech was slurred; (4) he had urinated in his pants; (5) he failed all field sobriety tests that were administered; (6) there was an open container and a cooler full of unopened containers of beer in the vehicle; (7) the defendant fell asleep in the back of the patrol car on the way to the police troop (probably no later than 10:00 in the evening); (8) the defendant admitted that he had been at a party earlier in the evening; and (9) the county police officer had responded to the scene in close temporal proximity to the accident and the defendant did not consume any alcohol thereafter.<sup>1</sup> Based on these and other factors, the Court concluded at the close of the evidence that if the defendant, in fact, had been operating the motor vehicle at the time of the accident, he was doing so "while under the influence" of alcohol as the term is

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<sup>1</sup>A blood test was conducted to determine the defendant's blood alcohol content. The Court did not admit the results of this testing, however, because the state chemist did not appear at trial.

defined in the Delaware Code.<sup>2</sup>

During the course of the investigation, the defendant acknowledged that he had been driving the vehicle at the time of the accident. Nevertheless, he argued at the close of the evidence that the State had not proven that he was the driver with sufficient evidence because the State had failed to prove the *corpus delicti* of the crime. “Simply stated, the *corpus delicti* rule requires the prosecution to ‘show some evidence of the existence of a crime, independent of the defendant’s confession, to support a conviction.’”<sup>3</sup> The doctrine “reflects a long-standing aversion to convictions obtained solely from the accused’s own mouth and a preference for ‘evidence independently secured through skillful investigation.’”<sup>4</sup>

Although the rule takes on different forms in different jurisdictions, Delaware’s version of the *corpus delicti* rule “does not require the State to provide independent

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<sup>2</sup>See DEL. CODE ANN., tit. 21, § 4177(c)(5) (“while under the influence” shall mean that the person is, because of alcohol ... less able than the person would ordinarily have been, either mentally or physically, to exercise clear judgment, sufficient physical control, or due care in the driving of a vehicle.”).

<sup>3</sup>*DeJesus v. State*, 655 A.2d 1180, 1199 (Del. 1995)(citation omitted).

<sup>4</sup>*Id.* (citation omitted). The defendant’s admission that he was driving the vehicle at the time of the accident arguably was not a “confession” of criminal activity. Nevertheless, the more prudent approach is to apply the *corpus delicti* rule to any admission of the defendant that may tend to prove an element of the criminal offense. See *State v. Madura*, Cr. A. No. I-75-10-0096, Stiftel, P.J., (Del. Super. Ct., May 18, 1976)(Letter Op. at 5), *aff’d*, 367 A.2d 650 (Del. 1976).

evidence of each element of the offence with which the defendant is charged.”<sup>5</sup> It is also well-settled that the independent evidence that is presented *aliunde* the confession need not establish *the corpus delicti* beyond a reasonable doubt or even by a preponderance of the evidence.<sup>6</sup> “There is no quantum requirement for the *independent evidence*, so long as the *evidence as a whole proves the corpus delicti* beyond a reasonable doubt.”<sup>7</sup>

In this case, the Court is satisfied that the State has proven the *corpus delicti* of driving under the influence with evidence independent of the defendant’s confession. The defendant was standing next to the vehicle involved in the accident immediately upon the arrival of the county officer. His conduct, as described by the officer, was not that of a passer-by. He acted as though he was the owner or operator of the vehicle. Moreover, there was no one else present at the scene upon the officer’s arrival. The officer encountered the defendant at night on a dark road. When members of the defendant’s family did arrive, they apparently made no effort to remove him from the scene (as they likely would have done had the defendant simply been an innocent bystander). Instead, upon arrival, they spoke to the

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<sup>5</sup>*Id.* (citation omitted).

<sup>6</sup>*See Nelson v. State*, 123 A.2d 859, 862 (Del. 1956).

<sup>7</sup>*DeJesus*, 655 A.2d at 1203 (emphasis in original).

defendant briefly, became agitated with the officer, and then left. The Court is satisfied that this circumstantial evidence is sufficient to corroborate the defendant's admission that he was the driver of the vehicle. And, when coupled with the clear evidence of impairment, the Court is satisfied that "the evidence as a whole" leaves no reasonable doubt as to the *corpus delicti* of driving under the influence of alcohol.<sup>8</sup>

The Court's conclusion here is consistent with conclusions reached by courts in other jurisdictions under similar circumstances.<sup>9</sup> These decisions reflect the generally accepted view that the evidence submitted in corroboration of the defendant's statement may be circumstantial and need not rise to a particular quantum of proof. The adequacy of the State's evidence of the *corpus delicti* of the crime must be evaluated in the context of the entirety of the State's proof.

The defendant also challenged the sufficiency of the State's evidence regarding the charge of driving while suspended or revoked. Specifically, the defendant contended that the State was required to prove not only that the defendant's license

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<sup>8</sup>*Cf. Madura*, supra, Letter Op. at 7-8 (in response to challenge that State had not proven the *corpus delicti* of driving under the influence because its only evidence that the defendant was driving was the defendant's own statement, the court concluded "discovery of the defendant's automobile stuck in the mud off the road, and the defendant, unsteady on his feet and his breath smelling of alcohol, nearby, is evidence of the corpus delicti of 21 Del. C. §4177 that tends to show the probable existence of the crime.").

<sup>9</sup>*See e.g. State v. Kester*, 612 So.2d 584 (Fla. Dist App. 1992)(accident coupled with circumstantial evidence sufficient to establish that defendant was operating vehicle); *Commonwealth v. Friend*, 717 A.2d 568 (Pa. Super. 1998)(same); *Commonwealth v. Palmer*, 402 A.2d 530, 532 (Pa. Super. 1979)(same).

was suspended or revoked at the time of the accident, but also that the defendant had received proper notice of the suspension or revocation from the division of motor vehicles. The Court disagrees. As this Court held in *Carroll v. State*,<sup>10</sup> “the State is not required to prove notice to the defendant of the revocation of his license, only that it was in fact revoked, as an element of the offense of Driving During Suspension.”<sup>11</sup> The State presented uncontroverted evidence that the defendant’s driver’s license was suspended as of September 13, 2003, the date of the accident.

Based on the foregoing, the Court directs the Prothonotary to enter verdicts of GUILTY as to both Count I (driving a vehicle while under the influence of alcohol) and Count II (driving while license is suspended or revoked) of the Indictment. Sentencing will follow.

**IT IS SO ORDERED.**

Very truly yours,

Joseph R. Slights, III

JRS, III/sb

Original to Prothonotary

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<sup>10</sup>I.D. No. 0103006288, Babiarz, J. (Del. Super. Ct., Apr. 16, 2002).

<sup>11</sup>*Id.* at 6 (emphasis in original).