

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSHUA PAYNE,

Defendant Below,  
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,  
Appellee.

§

§ No. 18, 2019

§

§ Court Below: Superior Court  
§ of the State of Delaware

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§ Cr. ID: N1512010138

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Submitted: August 14, 2019

Decided: August 15, 2019

Before **VALIHURA, SEITZ, and TRAYNOR**, Justices.

**O R D E R**

This 15th day of August, 2019, after careful consideration of the parties' briefs and the record on appeal, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons stated in its December 12, 2018 order. The Superior Court correctly concluded that the notaries-public statute found in Chapter 43 of Title 29 of the Delaware Code does not govern the form and content of a certification provided by the Director of the Division of Motor Vehicles under 21 *Del. C.* § 2736. The appellant's argument that his driving record was not properly certified by the Director is further undermined by 21 *Del. C.* §

305(i), which provides that “[a]ny . . . certified record supplied by the Department<sup>1</sup> pursuant to [Title 21] shall contain the signature or facsimile signature of the Director or of another official of the Division who is a custodian of such records and is designated by the Director to sign such records or have his or her signature fixed.” It is clear that the driving record admitted at the appellant’s trial complied with this section.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

*/s/ Gary F. Traynor* \_\_\_\_\_  
Justice

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<sup>1</sup> “Department” means the Department of Transportation of this State acting directly through its duly authorized officers and agents. 21 *Del. C.* § 101(15). The Secretary of the Department of Transportation has the power and duty to appoint the Director of the Division of Motor Vehicles. 29 *Del. C.* § 8404(2)d.