

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DIONNE BROWN,)
) No. 251, 2001
 Defendant Below,)
 Appellant,) Court Below: Superior Court
 v.) of the State of Delaware in
) and for New Castle County
)
 STATE OF DELAWARE,) Cr. A. No. IN00-01-1729
) ID# 0001003655
 Plaintiff Below,)
 Appellee.)

Submitted: November 29, 2001
Decided: December 10, 2001

Before **WALSH, HOLLAND** and **STEELE**, Justices.

ORDER

This 10th day of December, 2001, upon consideration of the briefs of the parties, it appears that:

1. This is an appeal from a conviction in the Superior Court. The appellant, Dionne Brown, contends that the Superior Court erred as a matter of law in declining to grant her motion for a judgment of acquittal.
2. Brown argues that the State presented insufficient evidence in its case in chief to submit her robbery charge to a jury. This Court reviews denial of a motion for a judgment of acquittal *de novo* and determines whether, viewing the

evidence in the light most favorable to the State, any rational trier of fact could find guilt beyond a reasonable doubt.¹

3. Brown relies on this Court's decision in *Bland v. State*.² In *Bland*, this Court found that while juries have the power to convict based on uncorroborated accomplice testimony, the trial judge retains the power to remove the case from jury consideration where there is an "irreconcilable conflict in the State's case concerning a defendant's guilt."³

4. There is no "irreconcilable conflict" in Brown's case. While the accomplice's trial testimony contradicted earlier statements to the police, her testimony was not the only evidence available to the jury. The jury also heard the victim's "911" tape and Brown testified. In addition, there was no dispute that Brown was aware that force was used to obtain the coat and that she drove away from the scene of the crime.

5. The "jury is the sole judge of the credibility of the witnesses and responsible for resolving conflicts in the testimony."⁴ As stated by the trial judge, "a reasonable jury could have discredited some or all of the testimony of both Brown and Coverdale [the accomplice] and relied solely on the 911 tape to convict Brown." The State presented sufficient evidence in its case in chief for a jury to

¹ *Seward v. State*, Del. Supr., 723 A.2d 365, 369 (1999).

² Del. Supr., 263 A.2d 286 (1970).

³ *Id.* at 288.

consider whether and to conclude ultimately that Brown was guilty beyond a reasonable doubt. Therefore, the trial judge appropriately denied her motion for a judgment of acquittal.

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

BY THE COURT:

/s/ Myron T. Steele
Justice

⁴ *Tyre v. State*, Del. Supr., 412 A.2d 326, 330 (1980).