

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CRAIG SHAMBOR,	§	
	§	No. 223, 2002
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for New Castle County
	§	
Plaintiff Below,	§	I.D. No. 0107004481
Appellee.	§	

Submitted: July 23, 2002  
Decided: October 4, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **BERGER**, Justices.

ORDER

This 4<sup>th</sup> day of October, on consideration of the briefs of the parties, it appears to the Court that:

1) Craig Shambor appeals his conviction, following a bench trial in the Court of Common Pleas, of resisting arrest. He argues on appeal to this Court, as he did to the Superior Court, that he was charged with the wrong crime because his arrest had been completed and he was in police custody when he committed the acts that led to the charge.

2) On July 8, 2001, the New Castle County Police responded to an altercation between Shambor and his neighbor. When the responding officers heard Shambor tell

his neighbor, “You better watch yourself,” they arrested him for terroristic threatening. Shambor cooperated with the officers while being handcuffed and placed in the police car. On the way to the station, however, Shambor attempted to kick out the rear windows of the police car. As a result, he was charged with resisting arrest.

3) Shambor argues that his arrest was completed when he was placed in the police car and that his conduct while in the police car, if actionable at all, was an attempted escape. By statute, “[a] person is guilty of resisting arrest when the person intentionally prevents or attempts to prevent a peace officer from effecting an arrest or detention of the person ... or intentionally flees from a peace officer who is effecting an arrest.”<sup>1</sup> The word “arrest” is defined, by statute, as “the taking of a person into custody in order that the person may be forthcoming to answer for the commission of a crime.”<sup>2</sup>

The dictionary definition is very similar: arrest is “[t]he taking or keeping of a person in custody by legal authority.”<sup>3</sup>

---

<sup>1</sup>11 Del. C. § 1257.

<sup>2</sup>11 Del. C. § 1901(1).

<sup>3</sup> *Black’s Law Dictionary* (Bryan A. Garner 7<sup>th</sup> Ed. 1999).

4) Both definitions recognize that an arrest is not a single act, but rather a process by which a person is brought into custody. In this case, although Shambor was in a police car and on his way to the police station, a rational trier of fact could have concluded that he was still in the process of being taken into custody when Shambor attempted to kick out the car window.<sup>4</sup>

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

---

<sup>4</sup> See: *State v. Bolden*, 801 P.2d 863, 864 (Or. App. 1991)(Defendant was convicted of resisting arrest, after being transported to the police station in a police car, based on his struggle with the arresting officer in the parking lot of the police station and at the booking. The court held that “the prohibition against resisting arrest is applicable to the entire course of events during which an officer effectuates and maintains custody over an arrestee for purposes of charging the individual with an offense.” (Internal quotations omitted.)