

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROSE MINUS,)	
)	No. 95, 2004
Defendant Below,)	
Appellant,)	Court Below: Superior Court
)	of the State of Delaware in
)	and for New Castle County
)	
STATE OF DELAWARE,)	
)	
Plaintiff Below,)	
Appellee.)	

Submitted: July 29, 2004
Decided: September 20, 2004

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 20th day of September, 2004, on consideration of the briefs of the parties, it appears to the Court that:

(1) Rose Minus appeals from her conviction in the Superior Court of insurance fraud.¹ Minus claims the State did not establish beyond a reasonable doubt that she had committed insurance fraud and that the trial judge erred by not granting her motion for judgment of acquittal. We find that the evidence presented at trial was sufficient to prove to the jury each element of the crime charged beyond a reasonable doubt. Because there is sufficient evidence in the record to establish that Minus committed insurance fraud and no error by the trial judge in denying her motion for judgment of acquittal, we affirm.

¹ DEL. CODE ANN. tit. 11, § 913 (2004).

(2) Minus was a Family Court employee working in the New Castle County Courthouse. She made a complaint with the Delaware Capitol Police alleging that a Capitol Police officer bumped her when she attempted to pass through a metal detector. She claimed that this caused her to strike the metal detector and sustain an injury to her shoulder. The Capitol Police interviewed the officer but he had no recollection of bumping into Minus (whom he knew) or having any other physical contact with her. Other security personnel on duty at the time also did not witness the alleged incident. The Capitol Police then reviewed a security videotape of the alleged incident showing the officer passing through the security arch. Minus was also visible on the videotape. The videotape revealed that there was no contact at all between the officer and Minus.

(3) Minus also reported the incident to the Family Court Administrator (hereinafter “the Court Administrator”). The Court Administrator filled out forms related to the occupational injury and submitted the forms to the Industrial Accident Board.² Additionally, the Court Administrator submitted the injury report to PMA Insurance Group, the State’s workers’ compensation carrier.

(4) Following its own investigation, PMA denied Minus’ claim for compensation. Minus then telephoned PMA inquiring why her claim had been denied and asked whether PMA had received her medical bills. A PMA claims adjuster informed Minus that her claim was baseless. Minus subsequently retained an attorney who wrote a letter to PMA advising PMA that he represented Minus. However, no request for a hearing before the Board was made and the matter ended.

(5) Minus argues on appeal that she only reported an injury to her employer and she never made a claim for workers’ compensation insurance benefits. In essence,

² DEL. CODE ANN. tit. 19, § 2313 (2004).

Minus contends that the evidence adduced at trial was insufficient to establish beyond a reasonable doubt that she had committed insurance fraud. “The standard for review of such a contention is ‘whether, after viewing the evidence in the light most favorable to the prosecution, [including all reasonable inferences to be drawn therefrom,] any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’”³ The Court does not have to ask itself whether it believes the evidence establishes guilt beyond a reasonable doubt.⁴ The Court only has to inquire whether a rational trier of fact could have found that guilt was established.⁵ In so doing the Court does not distinguish between direct and circumstantial evidence.⁶ A “fundamental tenet of American jurisprudence [is] that the jury is the sole trier of fact responsible for determining witness credibility, resolving conflicts in testimony and for drawing any inferences from the proven facts.”⁷

(6) Under 11 *Del. C.* § 913(a)(1), “[a] person is guilty of insurance fraud when, with the intent to injure, defraud or deceive any insurer the person ... [p]resents or causes to be presented to any insurer, any written or oral statement ... as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy, knowing that such statement contains false, incomplete or misleading information

³ *Dixon v. State*, 567 A.2d 854, 857 (Del. 1989) (citing *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

⁴ *Skinner v. State*, 575 A.2d 1108, 1121 (Del. 1990).

⁵ *Id.* (citing *Colvin v. State*, 472 A.2d 953, 964 (Md. 1984)).

⁶ *Id.* (citing *Williams v. State*, 539 A.2d 164, 167 (Del. 1988)).

⁷ *See Chao v. State*, 604 A.2d 1351, 1363 (Del. 1992). *See also Prior v. State*, 453 A.2d 98, 100 (Del. 1982) (“The jury is the sole judge of a witness’ credibility and is responsible for resolving conflicts in testimony.”).

concerning any fact or thing material to such claim.”⁸ Section 913(c) provides a non-exhaustive list of what constitutes a statement, including a police report, any notice of injury, or other evidence of loss, injury or expense.⁹

(7) The record in this case shows that Minus filed a false complaint with the Capitol Police. Minus’ fraudulent actions, however, did not end there. She also made a false complaint to the Family Court Administrator. Furthermore, Minus filled out a document entitled “Employer’s Report of Occupational Injury or Disease.” This document contained her false claim of injury and initiated involvement by the Board and PMA. Minus’ argument that it was the Court Administrator, not her, who submitted her claim of injury to the Board and PMA, does not change the legal consequences of her actions. The Court Administrator was required, by law, to report Minus’ claim of injury to the Board.¹⁰ However, Minus was not required to make a false statement to the Court Administrator or to fill out the “Employer’s Report of Occupational Injury or Disease” form. It was her false report that caused the Court Administrator to present the claim. Additionally, Minus’ telephone call to PMA questioning the denial of her claim and asking whether PMA had received her medical bills furthered her effort to fraudulently obtain benefits. We conclude that the evidence was sufficient to convict Minus and that the trial judge’s decision denying her motion for acquittal was correct.

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

BY THE COURT:

⁸ DEL. CODE ANN. tit. 11, § 913(a) (2004).

⁹ *Id.* at § 913(c).

¹⁰ DEL. CODE ANN. tit. 19, § 2313 (2004).

/s/Henry duPont Ridgely
Justice