

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTHONY GODLEWSKI,	§	
	§	No. 591, 2012
Defendant Below,	§	
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	
	§	Cr. I.D. No. 1112016188
Plaintiff Below,	§	
Appellee.	§	

Submitted: June 19, 2013

Decided: July 18, 2013

Before **HOLLAND, BERGER** and **RIDGELY**, Justices.

ORDER

This 18th day of July, 2013, on consideration of the briefs of the parties, it appears to the Court that:

1) Anthony Godlewski appeals from his convictions, following a jury trial, of second degree burglary, felony theft, criminal mischief, receiving stolen property, and second degree conspiracy. He argues that the Superior Court abused its discretion in admitting fingerprint comparison evidence because the State did not produce that evidence until the morning of trial. We find no merit to this claim, and affirm.

2) On December 21, 2011, Amanda Smedley returned home to discover that more than \$1,500 worth of jewelry, money, gift cards and other items had been stolen. New Castle County Police Officer Keith Snyder investigated the burglary, and recovered two latent fingerprints at the house – one on a broken window that was used as a point of entry, and one on a washing machine that blocked the back door. New Castle County Police Detective Kevin Murphy compared the recovered prints with Godlewski’s known prints, and determined that the window fingerprint matched Godlewski’s right thumb.

3) As the trial began, the State provided Godlewski with copies of fingerprints that the State intended to introduce into evidence. Godlewski objected, arguing that he had been denied the opportunity to have his expert determine whether the two sets of fingerprints were a good match. The trial court overruled the objection, finding that there was no discovery violation.

4) Godlewski argues that, under Superior Court Rule 16, the State was obligated to send him copies of the fingerprints. His pre-trial discovery letter sought “any books, papers, documents, photographs . . . intended for use by the state as evidence in chief at trial”¹ The fingerprint cards are in the nature of photographs, and, therefore, should have been produced.

¹ Appellant’s Appendix, A-10.

5) The problem with this argument is that Godlewski was aware of the fingerprints, and the State's plan to have an expert testify about the fingerprint match, from the outset. The affidavit of probable cause, which led to the issuance of a search warrant, specifically stated that the police found a fingerprint at the crime scene that matched Godlewski's known fingerprints. At the first case review, two months before trial, the State gave Godlewski copies of the search warrant, affidavit, and police report. Finally, one week prior to trial, the State gave Godlewski copies of the police expert's biography and *curriculum vitae*. In sum, Godlewski was free to inspect the fingerprints at any time prior to trial. He could have made copies and provided them to his own expert for analysis. Godlewski did not take any steps to inspect or make copies of this evidence.

6) The trial court correctly concluded that the State satisfied its disclosure obligations. Superior Court Rule 16 requires the State to disclose, among other things, the existence of statements, documents, photographs, and other information that the State intends to use at trial. In addition, upon request, the State must permit the defendant to inspect and copy those items. The State disclosed the existence of fingerprints, and the fact that it would be relying on an expert to establish the fingerprint match. Godlewski knew that the material could be inspected or copied. The State, therefore, satisfied its Rule 16 obligation.

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

BY THE COURT:

/s/ Carolyn Berger
Justice