IN THE SUPREME COURT OF THE STATE OF DELAWARE

PATRICIA NELSON,[1]	§	
	§	No. 522, 2005
Defendant-Below,	§	
Appellant,	§	Court Below: The Family Court of
	§	Delaware in and for New Castle
v.	§	County
	§	
STATE OF DELAWARE,	§	No. 0506002613
	§	
Plaintiff-Below,	§	
Appellee.	§	

Submitted : February 16, 2006
Decided : April 20, 2006

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

O R D E R

This 20th day of April 2006, upon consideration of the briefs of the parties and their contentions at oral argument, it appears to the Court that:

(1) This is an appeal from the Family Court's adjudication of delinquency of Appellant-Defendant, Patricia Nelson, for Burglary-Second Degree, Aggravated Menacing, and Terroristic Threatening.[2] On appeal, Nelson challenges the sufficiency of the evidence used in her adjudication. After reviewing the parties' briefs and the record, we conclude that there was sufficient evidence to find,

[1]Pursuant to Supreme Court Rule 7(d) the name of the party has been replaced with a pseudonym.
[2] In violation of DEL. CODE ANN. tit. 11, §§ 825, 602, and 621 (2005) respectively.

beyond a reasonable doubt, that Nelson committed the offenses stated against her. Accordingly, we affirm.

(2) On June 2, 2005, Vania White ("Vania") was walking through Oakmont Park to her home, located at located at 10 N. Kingston Driver, Oakmont, New Castle County. Vania was with her sister, Chania, and her niece, Lakesha. Defendant and a group of approximately 10-15 others started calling out to Vania and Chania. There was evidence presented at the Family Court proceeding indicating that some of the group made statements to the effect that they were going to "F" Vania and Chania up.[3] Both Vania and Chania testified that they felt as if they were going to be "jumped" by the group. Once at their house, Vania and Chania entered and shut the door. There was an inconsistency as to whether Vania had locked the door. Officer Frank Schoen ("Schoen") testified that Vania told him that "[s]he said she went inside her house, closed the front door, and before she had a chance to lock the front door that somebody kicked it open." During cross examination, Vania testified that she locked the door before Nelson kicked it open. At the very least, the screen door was broken. Once the door was open, Vania and Chania both testified that Nelson was first to enter the house. Vania testified:

[3] The testimony at trial was that the Defendant intended to "F them up" but it is evident the testimony was intended to convey profanity during the incident without using profanity in the courtroom.

> That's when [Nelson], she was the first one inside. Like our living room was right here and three steps and Paige is line on the third step right there and she just had the knife and was like this. And the other girls like "F" her up, Paige, "F" her up. And she's like yeah maybe I should stab you, what, what what…I was just looking at Paige while she was standing the knife holding like this and I was on the phone calling 911…

Both Vania and Paige described the knife brandished by Nelson. Specifically, they described it as a serrated, kitchen or steak knife with a silver blade, approximately six inches in length, and a brown handle.

(3) On appeal, Nelson claims that there was "insufficient evidence" to support her adjudication of delinquency. She argues that Vania's statement is unreliable because (1) it conflicts with Vania's statements to Officer Schoen shortly after the incident (2) there was no structural damage to the door's frame, (3) the statement was given to Officer Schoen after she heard Vania's statement to him, (4) Vania did not identify as a member of the group a defense witness who testified that Nelson had nothing to do with the events in Vania and Chania's home until after the defense witness had testified, and (5) no motive or explanation was presented at trial for Nelson's alleged animosity towards Vania.

(4) "In reviewing a claim for insufficiency of the evidence, the relevant inquiry is whether, viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime

beyond a reasonable doubt."[4] Nelson's arguments on appeal challenge the credibility of a key witness for the prosecution. The credibility of a witness is a factual determination that this Court ordinarily reviews with great deference.[5]

(5) We have reviewed the record carefully and concluded that Nelson's appeal is without merit. We hold there was sufficient evidence for a rational finder of fact to find, beyond a reasonable doubt, that Nelson committed second degree burglary, aggravated menacing, and terroristic threatening and was therefore delinquent.

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

BY THE COURT

/s/ Henry duPont Ridgely
Justice

[4] *Murray v. State*, 2005 Del. LEXIS 332, *2-3 (Del. 2005) (*citing Barnett v. State*, 691 A.2d 614, 618 (Del. 1997); *Dixon v. State*, 567 A.2d 854, 857 (Del. 1989)).

[5] This Court has routinely recognized that "[t]he Family Court Judge, as the trier of fact, was solely responsible for adjudging witness credibility and resolving inconsistencies in the witnesses' testimony." *Murray v. State*, 2005 Del. LEXIS 332, *5 (*citing Richards v. State*, 865 A.2d 1274 (Del. 2004); *Pryor v. State*, 453 A.2d 98, 100 (Del. 1982); *Tyre v. State*, 412 A.2d 326, 330 (Del. 1980)).