IN THE SUPREME COURT OF THE STATE OF DELAWARE

CURTIS L. WHITE,	§	
	§	No. 359, 2013
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. 1209017723
Plaintiff Below,	§	
Appellee.	§	

Submitted: November 27, 2013 Decided: February 6, 2014

Before BERGER, JACOBS and RIDGELY, Justices.

ORDER

This 6^{th} day of February 2014, on consideration of the briefs of the parties, it appears to the Court that:

- 1) Curtis L.White appeals from his conviction, following a jury trial, of reckless endangering first degree. He argues that there was insufficient evidence to support a guilty verdict. We find no merit to this claim and affirm.
- 2) In September 2012, White was standing with two other people on 26th and Zebley Street in Wilmington, Delaware. Wilmington Police Detective Brian Conkey was off duty and happened to be driving on Monroe Street near 26th. When he stopped at a stop sign, Conkey noticed three people on the north corner of 26th and

Zebley Streets. Conkey went through the stop sign and was parking his car when he heard gun shots behind him. Conkey saw White coming around the corner from 26th Street running and firing a gun. Conkey heard three shots and noted that White was not looking at where the gun was aimed.

- 3) White got into a car and drove off at a high rate of speed. A Delaware State Trooper identified the car a few minutes later and followed it into Edgemoor, where the trooper saw White get out of the car and flee on foot. White later turned himself in to the police.
- 4) Wilmington Police Officer Gerald Nagowski, who works in the Evidence Detection Unit, testified that his unit recovered four gun casings on 26th Street. Three were near the corner of 26th and Monroe Street one on the sidewalk, one on the grass, and one in a bush. The fourth casing was found down the street. The police found a bullet hole in a car parked in front of the residence at 512 W. 26th Street, as well as a projectile fragment in the outside screen of the residence at 510 W. 26th Street, and a piece of chipped brick on the porch of the residence at 512 W. 26th Street.
- 5) "A person is guilty of reckless endangering in the first degree when the person recklessly engages in conduct which creates a substantial risk of death to

another person."¹ "A person acts recklessly . . . when the person is aware of and consciously disregards a substantial and justifiable risk that [death] . . . will result from the conduct."² The risk must be great enough that disregarding it "constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation."³

6) This Court reviews a claim of insufficient evidence to determine whether any rational fact finder, viewing the evidence in the light most favorable to the State, could find all the elements of the offense beyond a reasonable doubt.⁴ White argues that, because he was not aiming at anyone, and the only potential victims were inside their homes, he was not aware of and did not create a substantial risk of death.

7) This Court has held that firing a gun in a residential neighborhood is enough to support a conviction of first degree reckless endangering.⁵ Similarly, we have held that firing a gun through an apartment door, when the defendant knew there was a person in the apartment, is sufficient evidence of the offense.⁶ Here, a rational juror

¹ 11 *Del.C.* § 604.

² 11 *Del.C.* § 231(e).

³ *Ibid*.

⁴ Rose v. State, 51 A.3d 479, 482 (Del. 2012).

⁵ *Hassan-El v. State*, 2004 WL 220322 (Del. Supr.).

⁶ Bryant v. State, 2004 WL 3830900 (Del. Supr.).

could find that White knew he was shooting indiscriminately in a residential

neighborhood, and that there was a substantial risk that one of the shots (directly or

by ricocheting) would kill a resident or passerby.

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

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