

**SUPERIOR COURT  
OF THE  
STATE OF DELAWARE**

RICHARD R. COOCH  
RESIDENT JUDGE

NEW CASTLE COUNTY COURTHOUSE  
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Wilmington, Delaware 19801-3733  
(302) 255-0664

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Attorney for Defendant

***Re: State of Delaware v. Denzel B. Small***  
**I.D. No. 0912015065**

Submitted: May 14, 2010  
Decided: May 27, 2010

Upon Defendant's Motion to Suppress Evidence.  
**DENIED.**

Dear Counsel:

The Court is in receipt of Defendant's motion to suppress evidence filed on May 14, 2010, which reads *in its entirety*:

MOTION TO SUPPRESS EVIDENCE

COMES NOW the defendant, above, by and through counsel, Joe Hurley, who moves to suppress all evidence found as a result of the

defendant's vehicle, and in support of such application, maintains that the defendant did not give consent to search his vehicle and, therefore, the putative consent cannot form the basis of validating the otherwise unlawful search of his vehicle.

WHEREFORE, the defendant moves to suppress the evidence.

Although the Prothonotary, by email to counsel on May 18, 2010, advised that a suppression hearing would be held on July 9, and directed the State (per standard practice) to file a Response by July 6, there is no need for the State to file a Response.

Defendant's motion is completely devoid of legal authorities and facts relied upon. Superior Court Criminal Rule 41(f) provides in pertinent part that:

The motion shall . . . state the grounds upon which it is made with sufficient specificity to give the State reasonable notice of the issues and to enable the Court to determine what proceedings are appropriate to address them. The Court may summarily deny a motion to suppress unless the motion at least alleges a factual basis upon which relief may be granted.

This Court cannot help but note that failure to cite legal authority seems to be a recurring pattern with counsel because this Court observes that a nearly identical motion to suppress evidence, also devoid of legal authority, was denied in May 2008.<sup>1</sup>

It is not this Court's function to do "counsel's work for him or her."<sup>2</sup> This Court will not reiterate all the authority cited in *State v. Wilson* in support of denying this current motion.<sup>3</sup> Counsel should be on notice that all future motions in which no legal authority is cited will be summarily denied.

Accordingly, Defendant's motion to suppress evidence is **DENIED**. No leave is granted to file a second motion to suppress.

Very truly yours,

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Richard R. Cooch

oc: Prothonotary  
cc: Investigative Services

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<sup>1</sup> *State v. Wilson*, 2008 WL 2192815 (Del. Super.).

<sup>2</sup> *Gonzalez v. Caraballo*, 2008 WL 4902686, at \* 3 (Del. Super.).

<sup>3</sup> *Wilson*, 2008 WL 2192815.