

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE	)	
	)	
v.	)	ID: 1401012426
	)	
DANIEL SAUNDERS,	)	
	)	
Defendant.	)	

**ORDER**

***Upon Defendant's Motion for Reargument – DENIED.***

1. Consistent with the August 6, 2014 order denying Defendant's motion to suppress, Defendant asked for reargument. Defendant contends that the court relied on things in the record that are not there. Specially, Defendant focuses on the court's mentioning that the record does not support the finding that the stop took place in a high crime area, nor that the car in which Defendant was sitting had its motor running.

2. As its often the case, both sides either overstate or understate their positions to their advantage. For the most part, as the August 6, 2014, order explains, Defendant's presence in a high crime area and whether the motor was running had a

bearing on the State's alternative argument - inevitable discovery. The order is clear, as the State argues, that the holding does not rest on inevitable discovery.

3. The fact that the holding does not rest on inevitable discovery, however, does not completely address Defendant's point. Initially, Defendant argued that the traffic stop was invalid because Defendant's sitting in an unregistered motor vehicle was not a violation if the car's motor was not running. Again, according to Defendant's core argument, if the police did not see a violation in progress, there was no reasonable basis to approach Defendant and ask him to produce the car's documentation and his driver license. The State's ignores that point.

4. The above notwithstanding, if Defendant was not parked in a high crime area with the motor running, the police were still justified in approaching him and asking for his and the car's documents. The fact that Defendant was sitting in the operator's position of an unregistered motor vehicle on a city street is enough to make it reasonable for a police officer to ask the person sitting behind the wheel for a license and registration. This is so even if the motor is not running. At a minimum, it would be expected that the officer would not miss the occasion to alert the person in the driver's seat that the car's registration had expired. It also would be reasonable for the police officer to obtain the potential driver's identity in case the car was gone after the police went around the block. Simply put, balancing the competing liberty

and law enforcement interests, a simple request for a license and registration was reasonable here. And, that was a proper spring board for a bare, request for consent to search.

For the foregoing reasons, Defendant's Motion for Reargument is

**DENIED.**

**IT IS SO ORDERED.**

Date: August 13, 2014

/s/ Fred S. Silverman

Judge

oc: Prothonotary (Criminal)  
pc: Periann Doko, Deputy Attorney General  
Sean A. Motoyoshi, Esquire