

SUPERIOR COURT
OF THE
STATE OF DELAWARE

WILLIAM C. CARPENTER, JR.
JUDGE

NEW CASTLE COUNTY COURTHOUSE
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January 26, 2015

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RE: State v. Michael Irwin
ID No. 1309012464

On Defendant's Motion for Reargument - DENIED

Dear Counsel:

The Court has before it the Motion for Reargument filed by Mr. Collins on behalf of Mr. Irwin. It has reviewed the Motion, the State's response and Mr. Collins' supplemental letter dated January 20, 2015. The Motion relates to the Court's footnote 3 and its failure to consider pages 47 to 61 of the brief filed by Mr. Irwin since that evidence was not presented to the Court during the hearing on Mr. Irwin's Motion *in Limine*.

It is true that the Court inquired of counsel regarding ten cases in the

Attorney General's investigative report where it appeared that the drug evidence was received by the Office of the Chief Medical Examiner (OCME) and not tested but nevertheless was compromised. The intent of the Court's inquiry was its interest in determining whether there was a pattern of impropriety that would perhaps assist the Court in deciding the issues raised in the various motions filed by the parties. It is clear even from the limited information that has been provided, including that contained in the defendant's brief noted in footnote 3, that a consistent pattern was not present to sufficiently support or identify who may be at fault at OCME. Therefore, even if the Court had considered pages 47 to 61 of the brief, it would not have changed the ultimate outcome of the Court's Opinion.

The Court continues to believe its Opinion established a fair balance related to the issues raised in the various motions regarding the OCME investigation and that the increased demands imposed upon the State in these cases continue to be fair and appropriate. As such, the Motion for Reargument is hereby denied.

IT IS SO ORDERED.

/s/ William C. Carpenter, Jr.
Judge William C. Carpenter, Jr.

WCCjr:twp

cc: Prothonotary