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

CRYSTAL NAYLOR,	)	
	)	
Defendant-Below	)	
Appellant,	)	
	)	
v.	)	Case No. 1201002372
	)	
STATE OF DELAWARE,	)	
	)	
Plaintiff-Below	)	
Appellee.	)	

OPINION

This 16th day of May, 2013, having considered the appeal of Crystal Naylor, the Reply of the State, Appellant's Response, and the record in this case, it appears that:

1. Appellant Crystal Naylor ("Appellant") was tried before a jury and convicted on September 17, 2012 in the New Castle County Court of Common Pleas on the charges of Hindering Prosecution in violation of 11 *Del. C.* § 1244(a)(4) and Resisting Arrest in violation of 11 *Del. C.* § 1257.

2. A motion for judgment of acquittal was heard on November 19, 2012 and denied on November 26, 2012.

3. Appellant appeals her conviction on both charges. She alleges that the New Castle County Court of Common Pleas lacked jurisdiction and that the State failed to prove an element of the hindering prosecution charge.

4. The facts of this case are that on January 4, 2012, New Castle County Police Corporal Michael Hopkins ("Corporal Hopkins") was told by his patrol supervisors to go to 200 Red Fox Drive to execute a fugitive warrant for the arrest of Ryan Pate ("Mr. Pate"). Patrolman George accompanied Corporal Hopkins. Upon arrival, Corporal Hopkins recognized the address and realized that he had been at the apartment approximately one year ago for a custody issue "dealing with Mr. Pate."[1] Two other officers, Sergeant Sayers and Sergeant Williamson, stationed themselves at the rear of the building.

5. Corporal Hopkins knocked on the front door at approximately 11:45 a.m. and Appellant answered the door.

6. Corporal Hopkins inquired whether "Ryan Pate was there at the apartment."[2] Appellant denied that Mr. Pate was there. The officer thought that Appellant meant that Mr. Pate did not live there.[3]

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[1] *State v. Naylor*, No. 1201002372, at 20-21, 42, 48 (Del. Com. Pl. Sept. 17, 2012) (TRIAL TRANSCRIPT) (hereinafter "Tr.").

[2] Tr. at 21.

[3] *Ibid.*

7. As Corporal Hopkins then began to ask Appellant another question concerning the length of time that she lived there, he was interrupted by a male voice coming from inside of the apartment and Appellant abruptly slammed the door shut. The conversation ended in less than a minute.[4]

8. Corporal Hopkins then advised Officer George to wait near the front door while he went to speak with the other officers stationed at the rear of the building. As Corporal Hopkins walked along the side of the building toward the rear, he heard Officer George give verbal commands and turned around to see Officer George in the process of handcuffing Mr. Pate inside the threshold of the apartment. Corporal Hopkins then entered the apartment, confronted Appellant as to her untruthfulness concerning Mr. Pate's presence in the apartment, felt that Appellant was "[j]ust generally uncooperative,"[5] and advised her that she was under arrest for hindering prosecution.

9. Corporal Hopkins then turned her around, held her two wrists together, and began to remove his handcuffs to place them on her wrists. Appellant pulled away and started to walk away from the officer. Corporal

[4] Tr. at 31.

[5] Tr. at 23.

Hopkins followed her and handcuffed her. Sergeant Williamson then told Appellant that she was being charged with resisting arrest. Appellant asked "why"[6] and told Sergeant Williamson that Mr. Pate had probably entered the residence while she was at the front door talking with Corporal Hopkins.

10. Appellant testified that she studies nursing at Del-Tech and works at the Christiana Hilton and the Riverview Inn in Pennsville, New Jersey. She said that she had just stepped out of the shower when she heard the knock at the door, she was wearing a towel when she opened the door,[7] and that she did not know why the police were at her door.[8]

11. Appellant also testified that, in response to the officer's questions, she provided Mr. Pate's mother's address to police, she then said "hold on,"[9] and she closed the door but did not slam it. Appellant said that she turned, at that point, saw Mr. Pate inside the apartment, and told him that there were "three officers out there and they [were] here for [him] and [he] need[ed] to take care of that."[10] Appellant started to walk to the bathroom to get dressed when Mr. Pate opened the front door and the police entered.

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[6] Tr. at 28.

[7] Tr. at 34, 40.

[8] Tr. at 33.

[9] *Id.*

[10] Tr. at 34.

12. Appellant also testified that she did not know that Mr. Pate was in the house at the time that she opened the door, he does not live there, and he never lived there. She speculated that he had entered through the unlocked back door because he "deals with cops all the time."[11] Appellant said that Mr. Pate's visit to the residence was not unexpected because she intended to testify the next day for him in a custody matter.

13. Appellant further testified that the police, after detaining Mr. Pate inside the threshold of the apartment, then told Mr. Pate, "we're not here for you now, we're here for her."[12] Appellant was in the bathroom with the door shut when an officer tried to open the door and told her to "hurry up and get out here."[13] She said that she got dressed and the police told her she was arrested. Appellant added that the police began searching the apartment and she "immediately turned around and gave him [her] arms. [She] did not pull away."[14] When Appellant asked why she was being arrested, the officer told Appellant that she would not "understand any of it, anyway."[15] The officer then dumped her purse upside down.

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[11] Tr. at 34.

[12] Tr. at 35-36.

[13] Tr. at 36.

[14] *Id.*

[15] *Id.*

14. Corporal Hopkins testified on rebuttal and contradicted Appellant's version of events concerning the circumstances surrounding the resisting arrest charge.

15. Appellant presents two questions to the Court – whether the State has met its burden of proof in establishing that the New Castle County Court of Common Pleas had jurisdiction over the trial pursuant to Court of Common Pleas Rule 18 and whether the State met its burden of proof as to all elements of hindering prosecution.

16. On appeal in a criminal matter, the Court has the authority to review a Court of Common Pleas' decision pursuant to 11 *Del. C.* § 5301(c).[16] The appeal is reviewed on the record and is not tried *de novo*.[17] The Court functions as an appellate court "to correct errors of law and to review the factual findings of the court below to ensure that the decision is sufficiently supported by the record and are the product of an orderly and logical deductive process."[18] Upon reviewing an appeal of a conviction, the applicable standard is whether sufficient evidence supports the trial court's

[16] 11 *Del. C.* § 5301(c). *See also Martinez v. State*, 2010 WL 3432289, *1 (Del. Super. Aug. 30, 2010).

[17] *Id. See also Humes v. State*, 2006 WL 2220982, *2 (Del. Super. Aug. 1, 2006) (finding the Superior Court in its role as an appellate court functions similarly to the Delaware Supreme Court, but "the standard of review is on the record … not … *de novo*") (internal quotation marks omitted).

[18] *State v. McCoy*, 2012 WL 1415698, *3 (Del. Super. Feb. 21, 2012).

findings.[19] The Court determines the sufficiency of evidence by assessing "whether, after 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."[20] The Court's role is not to assess the credibility of witnesses, make factual determinations, or weigh the evidence.[21] As long as sufficient evidence supports the trial court's findings, the Court will affirm its decision.[22] If the record suggests that the trial court's factual "findings are clearly wrong and the Court is convinced that a mistake has been made which, in justice, must be corrected," the decision of the trial court will be reversed.[23]

17. Here, Defendant first alleges that the New Castle County Court of Common Pleas lacked jurisdiction. The law is clear that jurisdiction is an element of every crime[24] and that the State bears the burden of establishing

[19] *Tracy v. State*, 2011 WL 4826108, *3 (Del. Super. Oct. 10, 2011).

[20] *Kupchinski v. State*, 2010 WL 1367753, *2 (Del. Super. Jan. 15, 2010).

[21] *State v. McCoy,* 2012 WL 1415698 at *3.

[22] *Kupchinski v. State*, 2010 WL 1367753 at *2.

[23] *Tracy v. State*, 2011 WL 4826108 at *3.

[24] 11 *Del. C.* § 232 ("Facts establishing jurisdiction … must also be proved as [an element] of the offense"). *See also State v. Fax*, 2005 WL 419366, *4 (Del. Com. Pl. Feb. 23, 2005) (finding that jurisdiction and venue are "predicate elements" of any offense that the State must prove beyond a reasonable doubt).

jurisdiction through the evidence.[25] The law is also clear that jurisdiction of the New Castle County Court of Common Pleas is New Castle County.[26] Thus, in the instant case, there must be sufficient evidence that the State established that the charged offenses occurred in New Castle County.

18. Evidence may be direct or circumstantial – direct proof of facts, such as testimony, or circumstantially by proof of facts from which the existence of other facts may be inferred. Hence, jurisdiction (as to a particular county) may be established directly or circumstantially. Direct evidence would be specific testimony or exhibits that an offense occurred in New Castle County; circumstantial evidence of jurisdiction could be inferred.[27] Jurisdictional inference could be established where there is testimony about an intrinsic, iconic, or unique location that only exists within a particular county (i.e., the Grand Opera House – New Castle County, Legislative Hall – Kent County, or the Boardwalk at Rehoboth Beach – Sussex County)[28], or by events or activities that traditionally or

[25] *Sheeran v. State*, 526 A.2d 886, 890 (Del. 1987) ("The burden is upon the State to prove territorial jurisdiction as an element of any criminal offense").

[26] Ct. Com. Pl. Crim. R. 18 ("Except as otherwise provided … the prosecution shall be had in the county in which the offense is alleged to have been committed"). *See also State v. Hamilton*, 1987 WL 9602, *1 (Del. Super. Apr. 8, 1987) (finding that trials must be held in the county in which the alleged crime occurred pursuant to Rule 18).

[27] *James v. State*, 377 A.2d 15, 15-16 (Del. 1977) (finding that "situs may be established by inference").

[28] *See Thornton v. State*, 405 A.2d 126, 127 (Del. 1979) (rejecting defendant's contention that the State failed to establish jurisdiction and venue in New Castle County where officer testified that the site of the criminal activity occurred at the De LaWarr Motel); *State v. Ray*, 1989 WL 124436, *1 (Del. Super. Oct.

typically occur in a particular county (i.e., attending Return Day, which does not occur in New Castle County or Kent County, and therefore, by process of elimination occurs in Sussex County)[29].

19. In the instant case, although there was no direct testimony that the events occurred in New Castle County, there were no exhibits in evidence, and there was no testimony about any intrinsic, iconic, or unique location, there was testimony about activity that could lead to the inference that the events occurred in New Castle County.

20. Relevant evidence as to jurisdiction consisted of uncontroverted testimony that New Castle County Police supervisory personnel had directed New Castle County police officers to perform a duty; New Castle County Police routinely serve out-of-state warrants as part of their normal activity; four uniformed New Castle County police officers obeyed the command and went to serve the out-of-state warrant on Mr. Pate who was believed to be at 200 Red Fox Lane; Appellant testified that the events occurred at 200 Red Fox Lane; and the testifying New Castle County police officer had

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17, 1989), *rev'd on other grounds*, 587 A.2d 439 (Del. 1991) (finding testimony as to the names of two hospitals which led the jury to infer that the hospitals were located in Wilmington sufficient to establish situs by inference).

[29] *See Bodan v. State*, 1992 WL 401567, *2 (Del. Dec. 7, 1992) (holding that an employee's testimony that he was employed by Wilmington Fire Department and received "annoying phone calls" at Public Safety Building in Wilmington was sufficient to establish jurisdiction by inference in New Castle County); *State v. Ray*, 1989 WL 124436 at *1 (concluding that the fact-finder may consider evidence that the police were Wilmington police when establishing jurisdiction).

previously conducted New Castle County Police business with Mr. Pate at 200 Red Fox Lane.

21. Although the testimony did not establish that 200 Red Fox Lane could only have been in New Castle County or was even in Delaware (indeed, one of Appellant's jobs was in New Jersey), a reasonable inference could be made that a uniformed New Castle County police officer, who was on duty, had been directed by New Castle County Police patrol supervisors to execute an out-of-state warrant, and was accompanied by other uniformed on-duty New Castle County police officers, was performing his duty in New Castle County. The inference is further strengthened by the testimony that Corporal Hopkins, in his official capacity as a New Castle County police officer, had previously conducted New Castle County Police business with Mr. Pate at that address.

22. Here, the trial court instructed the jury that it must consider and find jurisdiction; and the jury found that the State had satisfied all of the elements at the time and place in the information.[30] Furthermore, *James v. State*[31], cited by Appellant, is distinguishable. *James* involved the Delaware State Police who serve statewide; the instant case involved uniformed New

[30] As to each offense, the trial court instructed the jury that they must find that the event occurred at or about the time and place in the information (which specifically set forth that the offenses occurred "in the County of New Castle, State of Delaware"). Tr. at 15, 65, 66.

[31] *James v. State*, 377 A.2d at 16.

Castle County Police performing a routine police activity per the direction of New Castle County Police supervisors.

23. Based on the record as a whole, there is sufficient showing that the State has met its burden of proof as to jurisdiction and venue.

24. Defendant's second ground for appeal is that the State failed to prove the knowledge element of the charge of hindering prosecution, 11 *Del. C.* § 1244(a)(4).

25. Hindering prosecution, 11 *Del. C.* § 1244, provides, in pertinent part:

> (a) A person is guilty of hindering prosecution when, with intent to prevent, hinder or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person whom the person accused of hindering prosecution knows has committed acts constituting a crime, or is being sought by law-enforcement officers for the commission of a crime, the person accused of hindering prosecution:
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> ….
>
> (4) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person
> …

26. In the instant case, the testimony of Corporal Hopkins and Appellant concerning the conversation at the door is substantively consistent. Both acknowledged that the encounter between Appellant and the officer was brief. Corporal Hopkins estimated that "[he] wouldn't even

say a minute"[32] and Appellant approximated the duration as "within two minutes."[33] During that brief encounter, Corporal Hopkins asked Appellant "if Ryan Pate was there at the apartment" and "[s]he responded that he was not."[34] He then started to ask Appellant about her length of residency in the apartment when the conversation was interrupted by a male voice, abrupt closure of the front door, and his partner arresting Mr. Pate inside the threshold of the apartment.

27. Moreover, both acknowledged that Mr. Pate has had previous interaction with the police that was not of a criminal nature. Corporal Hopkins told the jury that his prior contact with Mr. Pate was non-criminal. So too, Appellant testified that Mr. Pate had a custody matter the next day and that he "deals with the cops all the time."[35]

28. In order to convict a person of hindering prosecution under 11 *Del. C.* § 1244(a)(4), the State is required to prove that the accused acted intentionally and with knowledge. There must be sufficient evidence that the accused: (1) intentionally[36] prevented or obstructed someone from doing

[32] Tr. at 31.

[33] Tr. at 39.

[34] Tr. at 21.

[35] Tr. at 34.

[36] *See In re Melvin*, 807 A.2d 550, 552 (Del. 2002) (noting an attorney's guilty plea to hindering prosecution was supported by evidence that he acted intentionally because he concealed or destroyed his

something that might assist in the discovery, apprehension, or lodging of a criminal charge against another person, and (2) did so with the "knowledge that the person that supposedly is being harbored, or concealed in some fashion has committed a crime, or is being sought by a law enforcement officer for the commission of a crime" [37] in order to sustain the conviction.

29. In the instant case, Corporal Hopkins did not announce that he had a warrant for Mr. Pate or that Mr. Pate was suspected of involvement in criminal activity. There is no evidence or testimony that Appellant knew Corporal Hopkins' purpose when he came to her door. Moreover, there is no evidence that Appellant was informed of Corporal Hopkins' purpose during their brief conversation. Indeed, Corporal Hopkins' conversation with Appellant only concerned who lived in the apartment and when they lived there.

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wife's journal or papers knowing that the police were investigating her allegations that he violated a PFA order); *State v. Ramos*, 2002 WL 31999234, *2 (Del. Com. Pl. Jan. 8, 2002) (finding insufficient evidence to support hindering prosecution charge where defendant testified that she "fell on top of" her father as police attempted to arrest him during a large residential gathering and that she was merely celebrating and police rushed to judgment).

[37] *McKinney v. State*, 2008 WL 282285, *2 (Del. Super. Jan. 31, 2008). *See also State v. Stovall*, 1996 WL 659026, *3 (Del. Super. Sep. 30, 1996) (finding the defendant in a domestic violence case encouraged the victim to commit hindering prosecution by suggesting that the victim knowingly file a false report of a mugging with police in an effort to prevent charges from being lodged against him); *State v. Booker*, 1999 WL 1847345, *2 (Del. Com. Pl. Apr. 9. 1999) (acquitting defendant of hindering prosecution charge on the basis there was no third party involvement as required by the statute and finding officer's burglary investigation while on routine patrol, which turned out to be unfounded, was not impeded by defendant's incessant car horn honking).

30. Furthermore, there is also no evidence that Mr. Pate had foreknowledge that he was sought by police. Appellant testified that shortly after she abruptly shut the front door, she confronted Mr. Pate in the apartment, informed Mr. Pate that the police were looking for him, and told him that he should "take care of that." The testimony is uncontroverted that Mr. Pate then opened the front door. There is no testimony that Mr. Pate's behavior indicated an attempt to flee. Additionally, Appellant's testimony is consistent with Corporal Hopkins' testimony that Officer George arrested Mr. Pate inside the threshold of the front door moments after Appellant shut it.

31. Moreover, both Corporal Hopkins and Appellant acknowledged that some of Mr. Pate's contact with police was non-criminal. Thus, Appellant's understanding that Mr. Pate "deals with the cops all the time" does not evidence that Appellant possessed an awareness of a warrant, criminal activity, or foreknowledge that Mr. Pate had committed any crime or was wanted for a crime – particularly since Mr. Pate had a history of non-criminal matters involving the court system and custody issues.

32. The instant case is distinguishable from *McKinney v. State*[38] which was cited by the State. *McKinney* involved a person attempting to

[38] *McKinney v. State*, 2008 WL 282285.

conceal someone else who he knew was wanted by the police for a criminal matter. In *McKinney*, the police, following up on warrants for Steven Angel, knocked on the door. The defendant (McKinney) answered and pretended to be Mr. Angel until the police informed the imposter of the outstanding charges against Mr. Angel. Apparently realizing the unwanted consequences of any further identity deception, McKinney then revealed that he was not Mr. Angel. Aware of the warrants at this point, McKinney then lied as to Mr. Angel's whereabouts and told the police that Mr. Angel was not inside the premises. Unpersuaded, a police search found Mr. Angel hiding behind a bed and McKinney later admitted that Mr. Angel had been living there "for some time."[39] The Court determined that there was substantial and sufficient evidence that McKinney had knowledge that Angel was wanted for a crime based on the "six or seven police officers banging on the door in the middle of the night asking for Steven Angel and then [McKinney's] misidentifying himself."[40] The instant case involved a daytime visit from police and no discussion of warrants or criminal activity.

33. Contrastingly, Appellant's conviction for hindering prosecution is not supported by substantial or sufficient evidence. Although, arguably, Appellant was deceptive and knew that Mr. Pate was present in the

[39] *Id.* at *1.

[40] *Id.* at *3.

residence, after viewing the evidence in the light most favorable to the State, there was insufficient evidence that Appellant had knowledge that Mr. Pate had committed any criminal acts or that Mr. Pate was wanted for a criminal matter when Corporal Hopkins and his partner appeared at her door at 11:45 a.m. While Appellant appeared to be dishonest, the evidence does not support a finding that Appellant was dishonest with the intent to hinder the apprehension of a person or the prosecution of a criminal act.

Accordingly, Appellant's Resisting Arrest conviction under 11 *Del. C.* § 1257 in the New Castle County Court of Common Pleas is **AFFIRMED**, and Appellant's conviction under 11 *Del. C.* § 1244(a)(4) for hindering prosecution is **REVERSED**.

IT IS SO ORDERED.

/s/ Diane Clarke Streett
Judge Diane Clarke Streett

Original: Prothonotary's Office
cc: Dep. Atty. Gen. James K. McCloskey
James O. Turner, Esquire