

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

STATE OF DELAWARE)	
)	
v.)	ID: 1209008698
)	
VINCENT STALLINGS,)	
)	
Defendant.)	

ORDER

Upon Defendant’s Motion to Dismiss – DENIED.

1. Defendant is charged with two counts of murder first degree¹ and related charges stemming from a series of robberies or attempted robberies allegedly ending with Defendant’s murdering a store clerk on September 12, 2012.

2. On February 21, 2014, 14 months after indictment, Defendant filed this motion to dismiss the robbery charges and related firearm and conspiracy charges because the indictment fails to name the robbery victims. According to Defendant, a robbery victim’s name is an element of the offense. That is incorrect.² All that it

¹ 11 *Del.C.* §636.

² *Coffield v. State*, 794 A.2d 588, 592 (Del.2002).

takes to be guilty of robbery, as a matter of law, is theft from “another person.”³ It is conceivable that an accused may be convicted of robbing an unknown person.

3. Although a bill of particulars may not cure a defective indictment by supplying a missing element of an alleged offense,⁴ a bill of particulars would work nicely here to provide the defense with the victims’ names. A bill of particulars would give the defense what it needs to prepare, and eliminate any potential double-jeopardy problem. Providing that information to the defense, however, is not tantamount to adding a missing element to a defective indictment.

For the foregoing reasons, Defendant’s Motion to Dismiss based on the allegedly defective indictment is **DENIED**.

IT IS SO ORDERED.

Date: May 8, 2014

/s/ Fred S. Silverman
Judge

oc: Prothonotary (Criminal)
pc: Ipek Medford, Deputy Attorney General
Caterina Gatto, Deputy Attorney General
Anthony A. Figliola, Jr., Esquire
Kevin Tray, Esquire

³ 11 *Del.C.* § 832.

⁴ *State v. Deedon*, 189 A.2d 660, 663 (Del. 1963).