IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARQUISE REGISTER,	§ §	No. 310, 2012
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of
	§	the State of Delaware, in and for
v.	§	New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID. No. 1108015154
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: January 30, 2013 Decided: February 8, 2013

Before STEELE, Chief Justice, JACOBS and RIDGELY, Justices.

ORDER

This 8^{th} day of February 2013, upon consideration of the briefs of the parties and the record in this case, it appears to the Court that:

1. Marquise Register, the defendant-below ("Register"), appeals from a Superior Court judgment of conviction for Possession of a Firearm By a Person Prohibited ("PFBPP"). On appeal, Register claims that the trial court erred by issuing a judgment finding him guilty of PFBPP, because the jury found him not guilty on all other charges, including Possession of a Firearm During the Commission of a Felony ("PFDCF") and Carrying a Concealed Deadly Weapon ("CCDW"). We disagree and affirm.

- 2. In June 2011, a man nicknamed "Mar" allegedly brandished a gun inside his friend's car and later shot at his friend in the street. "Mar" then dropped his weapon into a trash can. An eyewitness identified Register from a six-person photo lineup as the man who dropped the gun into the trash can. Also, the police found Register's fingerprints inside the car, and Register's phone was listed under the name of "Mar Register."
- 3. The jury acquitted Register of all charges, including PFDCF and CCDW. In a separate, simultaneous bench trial, the trial judge found Register guilty of PFBPP. Register filed a "Motion for Judgment of Acquittal/Motion to Reconsider Verdict," which the trial judge denied. This appeal followed.
- 4. "We review *de novo* the denial of a motion for judgment of acquittal to determine 'whether any rational trier of fact, viewing the evidence in the light most favorable to the State, could find the defendant guilty beyond a reasonable doubt." On appeal, Register claims that the trial court erred by finding him guilty of PFBPP, because the jury had acquitted him of PFDCF and CCDW.
- 5. It is settled law in Delaware that an acquittal on related weapons charges does not preclude a conviction for PFBPP.² A jury acquittal of PFDCF

¹ Priest v. State, 879 A.2d 575, 580 (Del. 2005) (quoting Couch v. State, 823 A.2d 491 (Del. 2003)).

² See, e.g., Tucker v. State, 54 A.3d 257, 2012 WL 4512900 (Del. Oct. 1, 2012); Wescott v. State, 981 A.2d 1173, 2009 WL 3282707 (Del. Oct. 13, 2009); Godwin v. State, 903 A.2d 322, 2006

and CCDW charges does not preclude a trial judge from finding Register guilty of PFBPP. A rational trier of fact, viewing the evidence in the light most favorable to the State, could have found Register guilty of PFBPP beyond a reasonable doubt. That evidence included the eyewitness identification, the gun, Register's

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

fingerprints, and Register's nickname of "Mar." We find no error.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

WL 1805876 (Del. June 29, 2006), abrogated on other grounds by Lecates v. State, 975 A.2d 799, 2009 WL 1759722 (Del. June 23, 2009).