

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

STATE OF DELAWARE	)	
	)	
v.	)	Cr.A. No.: 1303013769
	)	
EDMOND LINCOLN	)	
	)	
Defendant.	)	

Zachary Rosen, Esquire  
Deputy Attorney General  
820 N. French Street, 7<sup>th</sup> Floor  
Wilmington, DE 19801  
*Attorney for the State of Delaware*

Edmund D. Lyons, Esquire  
1526 Gilpin Ave  
P.O. Box 579  
Wilmington, DE 19899  
*Attorney for Defendant*

**ORDER ON  
DEFENDANT’S MOTION TO SUPPRESS**

Defendant Edmund Lincoln (“Lincoln”) was arrested on March 16, 2013 during a stop at a sobriety checkpoint (the “Checkpoint”), and charged with Driving Under the Influence (“DUI”) in violation of 21 *Del. C.* § 4177(a).

On May 16, 2013, Lincoln filed the present Motion to Suppress, raising two issues: first, whether the statistics proffered by the State regarding the number of “alcohol related arrests” conforms to the checkpoint guidelines of the Office of Highway Safety, and; second, whether the statistics, which were from 2011, should be considered “stale”.

The Court is in receipt of written submissions from both parties, as well as the transcript and order from *State v. Hornig*.<sup>1</sup> The issues raised by Lincoln were addressed in *Hornig*. The *Hornig* transcript shows that Chief Michael Capriglione of the Newport Police Department testified that the “alcohol related arrests” appearing on the statistic sheet indicates the number of

---

<sup>1</sup> *State v. Hornig*, C.A. No. 1210013587, (Del. Super. August 2, 2013) (Johnston, J.) (TRANSCRIPT).

DUI arrests.<sup>2</sup> Furthermore, the checkpoint in *Hornig* was approved based on data compiled nearly two years prior.<sup>3</sup> The Superior Court found that the checkpoint procedure was in compliance with the defendant's Fourth Amendment Rights.<sup>4</sup>

Both of the issues raised by Lincoln were addressed in *Hornig*, which is the most recent Superior Court case addressing these issues, and therefore is binding precedent. Accordingly, Lincoln's Motion to Suppress is **DENIED**.

**IT IS SO ORDERED this 13<sup>th</sup> day of January, 2014.**

---

**The Honorable Carl C. Danberg**  
**Judge**

cc: Diane Healy, Judicial Case Manager

---

<sup>2</sup> *Id.* at 21.

<sup>3</sup> *Id.* at 22.

<sup>4</sup> *State v. Hornig*, C.A. No. 1210013587, (Del. Super. August 2, 2013) (Johnston, J.) (ORDER).