

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY**

<b>STATE OF DELAWARE</b>	:	
	:	<b>I.D. NO.: 1406023174</b>
<b>v.</b>	:	
	:	
<b>NINA SHAHIN,</b>	:	
	:	
<b>Defendant/Appellant.</b>	:	
	:	

*Submitted: September 29, 2015*

*Decided: October 6, 2015*

*Upon Consideration of Defendant's  
Appeal of the Court of Common Pleas*  
**AFFIRMED**

**ORDER**

Susan G. Schmidhauser, Esquire, Deputy Attorney General, Department of Justice,  
Dover, Delaware for the State of Delaware.

Nina Shahin, *pro se*.

Young, J.

## **SUMMARY**

Nina Shahin (“Appellant”) appeals the decision of June 9, 2015 of the Court of Common Pleas. This appeal challenges the denial of a new trial. Because there is ample factual material to support the legal conclusions of the Court of Common Pleas, the decision is **AFFIRMED**.

## **FACTS AND PROCEDURES**

Appellant was found by a jury to have been involved in a car accident in June 2014, which lead to criminal charges for Leaving the Scene of a Collision and Inattentive Driving. Appellant appeared *pro se* in a jury trial where she was found guilty on both counts. Appellant’s Motion for a New Trial in the Court of Common Pleas was denied by Judge Reigle. Appellant filed the present appeal to the Superior Court.

## **STANDARD OF REVIEW**

\_\_\_\_\_ “When considering an appeal from the Court of Common Pleas, this Court sits as an intermediate appellate court.”<sup>1</sup> “The Court’s role is to ‘correct errors of law and to review the factual findings of the court below to determine if they are sufficiently supported by the record and are the product of an orderly and logical deductive process.’”<sup>2</sup> This Court must accept any decision of the Court of Common

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<sup>1</sup> *Acute Nursing, Inc. v. Westminister Village*, 2007 WL 1653509 (Del. Super. Mar. 26, 2007) (citing *State v. Richards*, 1998 WL 732960 (Del. Super. May 28, 1998)).

<sup>2</sup> *Id.* (quoting *State v. Huss*, 1993 WL 603365 (Del. Super. July 14, 1993)).

Pleas that is supported by sufficient evidence.<sup>3</sup>

### **DISCUSSION**

In her appeal, Appellant raises a host of challenges to the case against her and to the Court of Common Pleas trial. Appellant argues that because of the flaws in her first trial, Judge Reigle should have granted her motion for a new trial. For the following reasons, we affirm the Court of Common Pleas' decision.

First, Appellant challenges the conduct of the officer tasked with investigating the underlying accident. Appellant claims that the officer acted without authority when she visited Appellant's home to pursue the investigation. Appellant's argument fails. The officer was lawfully investigating a report of an accident. No warrant was necessary. No special facts need have existed at the time to justify the officer's visit.

Second, Appellant challenges the conduct of the presiding Judge at trial. Appellant claims that the Court erred in precluding evidence of Appellant's prior police contacts at trial in order to show an alleged pattern of harassment. The Court did not err. Appellant's prior police contacts from 2012 had no relevance to the case at bar. Here, the police were investigating a victim's complaint of a hit and run accident. Thus, this case began with the complaining victim's report of that accident, not with any independent police action. Because Appellant's prior police contact had no relevance to the case at bar, the Court did not err in precluding this evidence.

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<sup>3</sup> *Levitt v. Bouvier*, 287 A.2d 671, 673 (Del. 1972); *Wilson v. Klabe Construction Co.*, 2004 WL 1732217, at \*2 (Del. Super. July 29, 2004).

Third, Appellant challenges the fairness of the jury selection process before trial. Appellant claims that law enforcement employees were over-represented in both the jury pool and the impaneled jury. Appellant's argument fails. Appellant was allowed to submit questions during voir dire to facilitate jury selection. Appellant did not inquire into the law enforcement background of potential jurors using this available method. Appellant also was entitled to use peremptory challenges to strike jurors, which she did during jury selection. The jury selection procedures before Appellant's trial met accepted standards of fairness.

Fourth, Appellant claims that she was denied representation by a Public Defender. Appellant incorrectly asserts that she was entitled to disqualify one Public Defender and have another appointed to represent her. Such a sequence of events is neither required by law nor reasonable in practice. To begin with, Appellant believed that the Public Defender assigned to her should have been disqualified. This was not Appellant's decision to make, and the Court refused to disqualify the appointed counsel. Therefore, any further argument that her "disqualified" Public Defender should have been replaced with another appointed Public Defender is unpersuasive. The Court further informed Appellant that, if she refused the existing Public Defender's representation, she would have to retain private counsel or proceed *pro se*. Appellant chose to represent herself at trial.

Fifth, Appellant challenges the conduct of the Public Defender, the presiding Judge, and the Deputy Attorney General at trial. The Public Defender acted professionally in Appellant's case. Nonetheless, Appellant chose not to retain her as counsel.

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The trial Judge made repeated efforts to explain representation rights and procedures to Appellant. The Court further recommended that Appellant retain the assigned Public Defender for her trial. Even after Appellant chose to represent herself, the Court and the State offered Appellant some assistance, which Appellant refused. The trial Judge acted professionally in Appellant's case.

Finally, the Deputy Attorney General acted appropriately in prosecuting Appellant. The State made reasonable objections to inadmissible hearsay evidence at trial. The Court did not err in ordering exclusion.

Sixth, Appellant challenges the State's prosecution and the Court's imposition of punishment. Appellant claims that the State failed to prove its case. This argument fails. Appellant was found guilty of the charged offenses by a jury at trial. Thus, by definition, the State met its burden of proof.

Appellant further claims that the Court imposed both possible sentences for an offense which permits only one of two alternative punishments. While the State misread the statute and initially sought both alternative punishments, the Court subsequently corrected the sentence to only one alternative.

Seventh and finally, Appellant challenges the objectivity of the presiding Court on appeal. Appellant claims that the Delaware Courts have systemically violated her rights. Specifically, Appellant suggests that this Judge should recuse himself due to bias against Appellant. Though this presiding Judge on this appeal has ruled on Appellant's Motion to Proceed *in forma pauperis* in another case, there is no issue of bias. As a frequent *pro se* litigant, if Appellant sought recusal of every Judge that she has come before in the past, she would effectively deny

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herself access to the Courts altogether.

**CONCLUSION**

For the foregoing reasons, the decision of the Court of Common Pleas is  
**AFFIRMED.**

**IT IS SO ORDERED.**

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/s/ Robert B. Young  
J.

RBV/lmc

oc: Prothonotary  
cc: Counsel  
Nina Shahin  
Opinion Distribution  
File