

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY

STATE OF DELAWARE,

v.

NINA SHAHIN,

Defendant.

\* Case No. 1406023174  
\* Cr.A. No. 14-0623-80  
\*  
\*  
\*  
\*  
\*

Upon Defendant's Motions

Submitted: May 8, 2015

Decided: June 9, 2015

Defendant's Motion for a New Trial is Denied.  
Defendant's Motion for a Review of Sentence is Granted.

Susan Schmidhauser, Esquire, Department of Justice, 102 West Water Street, Dover, Delaware, 19904, Attorney for the State of Delaware.

Nina Shahin, 103 Shinnecock Drive, Dover, Delaware, 19904, Defendant *appearing pro se*.

Reigle, J

On June 18, 2014, the defendant, Ms. Nina Shahin, was charged with Leaving the Scene of a Collision<sup>1</sup> and Inattentive Driving<sup>2</sup>. A jury trial was held on the charges between February 2<sup>nd</sup> and 4<sup>th</sup> of 2015. Ms. Shahin represented herself. The defendant was found guilty on both counts. On February 4, 2015, the defendant was sentenced on the Leaving the Scene of a Collision charge to be committed to the Department of Corrections at Level V for a term of 60 days suspended for Level I probation for 12 months and a fine in the amount of \$230 plus court costs, assessments and surcharges.<sup>3</sup> It was also a condition of probation that Ms. Shahin was not to drive without a valid license. The State was given 60 days to determine whether any restitution was due.<sup>4</sup> On the Inattentive Driving charge, Ms. Shahin was sentenced to pay a \$25.00 fine plus court costs, assessments and surcharges.<sup>5</sup> Ms. Shahin was directed to the Clerk's Office. She set up a payment plan in the amount of \$75.00 per month to begin on March 7, 2015. She was also directed to Probation to complete an Intake.

On February 10, 2015, Ms. Shahin filed a timely Motion for a New Trial. The State filed an Answer on March 4, 2015. Ms. Shahin filed a Reply on March 10, 2015 and subsequently filed four additional letters with the Court on March 20, 2015, March 23, 2015, April 21, 2015 and May 8, 2015.

This Court's Rule states: "[t]he Court on motion of a defendant may grant a new trial to that defendant if required in the interest of justice."<sup>6</sup>

---

<sup>1</sup> This was an alleged violation of 21 *Del. C.* § 4201(a).

<sup>2</sup> This was an alleged violation of 21 *Del. C.* § 4176(b).

<sup>3</sup> The total was \$538.40.

<sup>4</sup> The State did not subsequently submit a request for restitution and none was ordered.

<sup>5</sup> The total was \$199.50.

<sup>6</sup> *Crt. Comm. Pleas Crim. Rule 33.*

The defendant makes six arguments in her Motion. First, she contends that she was denied counsel because this Court failed to appoint new counsel for her after her Public Defender was disqualified at a hearing on November 10, 2014. This Court did not disqualify the defendant's counsel; rather Ms. Shahin emphatically refused to be represented by the Public Defender that was appointed to represent her. In doing so, she waived her right to have an attorney represent her at trial.<sup>7</sup>

Second, the defendant claims that she was denied access or notice from the Public Defender or the Deputy Attorney General to a discovery process that resulted in her inability to possess documents for trial. Neither the Public Defender, the Deputy Attorney General, nor this Court was required to advise Ms. Shanin of the Rules of Criminal Procedure.

Third, the defendant claims that she was precluded from admitting documents at trial regarding a subpoena requested by the Public Defender prior to trial, despite taking the witness stand in an effort to introduce the documents. This Court made certain rulings during the trial based upon the Rules of Evidence. The defendant has not cited to a specific rule or error that this Court made in its rulings.

Fourth, the defendant claims that she was improperly precluded from admitting the police report of the accident during the trial despite the jury's request for the document. The defendant had not obtained a copy of the police report from the State in advance of trial. During the trial, a copy was offered to the defendant and she refused it. The Rules of Evidence bar introduction of police reports as hearsay.<sup>8</sup> The jury was instructed about this rule after it submitted a question to this Court.

---

<sup>7</sup> See Crt. Comm. Pleas Crim. Rule 44(a). See also Shipley v. State, 570 A.2d. 1159, 1171 (Del. 1990).

<sup>8</sup> See Delaware Uniform Rule of Evidence 803(8)(A).

Fifth, the defendant claims several problems with the jury itself. She states that half of the jury pool was law enforcement employees but presents no evidence to support this contention. She states that the jury was extremely biased but makes no argument regarding a defect in the jury selection process. Finally, she makes vague allegations regarding the foreperson on the jury all of which allege conduct after the conclusion of the trial and verdict. The jury was selected pursuant to the Rules of this Court.<sup>9</sup> The defendant did not object to the jury selection process after it was concluded and now fails to allege any violations under any statute or rule.

Sixth, the defendant correctly identified a defect in the Court's sentencing order. The defendant was fined and placed on probation. The statute for Leaving the Scene of a Collision provides for either penalty, but not both. The statute states:

(c) Whoever violates subsection (a) of this section shall be fined no less than \$230 nor more than \$1,150 or imprisoned not less than 60 days nor more than 6 months.<sup>10</sup>

This Court has already stricken the fine and costs in full on both charges, in light of the error. The defendant remains on probation to ensure that she complies with the directive that she not drive a motor vehicle during any period in which her driver's license is suspended by the Division of Motor Vehicles. This is a lawful sentence and within the discretion of this Court.

The penalty for Leaving the Scene of a Collision has a collateral civil consequence which is not part of the Court's sentence. The statute states:

(d) The Secretary shall revoke the driver's license and/or driving privilege of every person convicted under this section. Such revocation shall be for a period of 6 months.<sup>11</sup>

---

<sup>9</sup> *Crt. Comm. Pleas Crim. Rule 24.*

<sup>10</sup> *12 Del. C. § 4201 (c) (emphasis added).*

During trial, the defendant made repeated negative statements regarding the laws and procedures of this State. The Court was concerned that the defendant would drive during a suspension of her driver's license. That is the reason that the probation and its condition was imposed. Ms. Shahin reported in one of her letters that she was cited for driving while her driver's license was suspended and other offenses on April 21, 2015. If Ms. Shahin was unaware of her suspension, she should raise such a defense as part of that case. However, this Court cautions Ms. Shahin against continuing to violate this Court's orders and the restrictions placed upon her by the Department of Motor Vehicles.

Since the one defect was a sentencing error that has been corrected and there is no basis for a new trial on any other grounds set forth by the defendant, the remainder of the defendant's motion is DENIED. This is the Court's final order in this case.

IT IS SO ORDERED.

Anne Hartnett Reigle  
The Honorable Anne Hartnett Reigle

---

<sup>11</sup> 12 Del. C. § 4201(d).