

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

STATE OF DELAWARE)	
)	ID# 1404000692
)	
v.)	
)	
ALEX RYLE)	
)	

On Defendant Alex Ryle's
Motion to Disclose Identity of a Confidential Informant
Motion to Suppress
Motion to Sever

ORDER

Motion to Disclose Identity of a Confidential Informant

Pro Se Defendant Alex Ryle has filed a Motion to Disclose Identity of a Confidential Informant. According to the State, Wilmington Police were informed by two separate confidential informants that Defendant was selling crack cocaine. Police subsequently conducted controlled buys from Defendant, utilizing confidential informants. Defendant argues that he is entitled to confront the confidential informants at trial.

The Court finds that Defendant has failed to demonstrate beyond mere speculation that any “confidential informant may be able to give testimony that would materially aid the defense.”¹ Therefore, the State need not disclose the identity of any confidential informant.

Motion to Suppress

In support of his Motion to Suppress, Defendant takes issue with the information set forth in the affidavit supporting the search warrant. Defendant contends that Wilmington Police illegally acquired his identity, which resulted in an illegal stop, detention, arrest and subsequent search and seizure. Defendant’s position is based upon case law that discusses suggestive identification when law enforcement displays a single photograph to a witness.²

Defendant’s argument is without merit for purposes of a confidential informant’s identification of a person suspected of engaging in illegal drug transactions. A single-photo identification is subject to scrutiny for undue suggestion in the context of evidence to be presented at trial. The identification process and witness credibility are relevant when the identity of the perpetrator is at issue.

¹See *Davis v. State*, 1998 WL 666713, at *2 (Del.).

²See *Manson v. Brathwaite*, 432 U.S. 98, 114-17 (1977).

The Wilmington Police observed Defendant engaging in the controlled buys. These observations were sufficient probable cause to support the search warrant for the house where Defendant was residing the day he was arrested.

Further, Defendant was a probation absconder at the time of his initial detention. An absconder may be detained on sight by law enforcement on that basis alone. Once detained, a probationer may be searched for officer safety. A firearm was found in Defendant's right front pocket. Defendant was a person prohibited from possessing and concealing a firearm. Defendant allegedly confessed to possessing the firearm during a post-*Miranda* recorded interview.

Therefore, Defendant's Motion to Suppress must be denied.

Motion to Sever

Defendant has moved to sever his trial from the trial of Co-Defendant Alfonzo Plant. Defendant Plant has an outstanding capias. Trial in this matter is set to begin on February 10, 2015. If Defendant Plant is still at large at that time, the Motion to Sever will be moot. If Defendant Plant has been located and appears on February 10th, the Motion to Sever will be addressed at that time.

* * * * *

THEREFORE, Defendant Alex Ryle's Motion to Disclose Identity of a Confidential Informant is hereby **DENIED**. Defendant's Motion to Suppress is

hereby **DENIED**. Defendant's Motion to Sever will be determined if and when the Co-Defendant appears. If Co-Defendant fails to appear for trial, Defendant's Motion to Sever will be denied as moot.

SO ORDERED this 23rd day of January, 2015.

/s/ Mary M. Johnston _____
Judge Mary M. Johnston