

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAYSHAUN JOHNSON,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§

§ No. 555, 2018

§

§ Court Below: Superior Court
§ of the State of Delaware

§

§ Cr. ID: N1503017603

§

§

§

§

Submitted: August 21, 2019

Decided: September 3, 2019

Before **VAUGHN, SEITZ, and TRAYNOR**, Justices.

ORDER

This 3rd day of September, 2019, after careful consideration of the parties' briefs and the record on appeal, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons stated in its February 15, 2017 bench ruling denying Rayshaun E. Johnson's motion for judgment of acquittal on the charge of conspiracy to commit murder. Johnson cites *Washington v. State*¹ in support of his case, but *Washington* is inapposite. In *Washington*, we reversed the denial of a motion for acquittal because the only evidence of the defendant's participation in an armed robbery and related conspiracy

¹ 4 A.3d 375 (Del. 2010).

was the uncorroborated testimony of a co-conspirator—testimony that was flatly contradicted by the robbery victim. Here, however, the State introduced substantial other evidence probative of Johnson’s participation in the conspiracy.² Put simply, the Superior Court correctly denied Johnson’s motion for judgment of acquittal.

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

BY THE COURT:

/s/ Gary F. Traynor
Justice

² Not only was Johnson identified as one of three men—one of them agitated and armed—who were looking for the murder victim earlier on the evening of the murder, later that night Johnson made a statement indicative of his participation in the crime. In particular, he said, “Remember the boy . . . I was telling you about? . . . I think we got him.” App. to Answering Br. B3. Moreover, the investigating officers found shell casings of two different calibers at the scene, suggesting the possibility of two weapons, and therefore, two shooters.