

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LASZHANEAH JONES,	§
	§ No. 312, 2025
Defendant Below,	§
Appellant,	§ Court Below—Court of Chancery
	§ of the State of Delaware
v.	§
	§ C.A. No. 2025-0657
CALVIN HOWARD, JR.,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: February 13, 2026

Decided: April 20, 2026

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, Justices.

ORDER

Upon consideration of the opening brief and the record on appeal, it appears to the Court that:

(1) The defendant below-appellant, Laszhaneah Jones, has appealed a Court of Chancery order directing the release of remains to the plaintiff below-appellee, Calvin Howard, Jr. For the reasons set forth below, we affirm the Court of Chancery’s judgment.

(2) The parties are the parents of Calvin J. Howard, III (“the Son”). The Son died on May 26, 2025. At the time of his death, the Son was eighteen and resided with Jones in Delaware. Howard lived in Philadelphia. The parties could not agree on the funeral arrangements or burial location for the Son.

(3) On June 11, 2025, Howard filed a petition for the right to control disposition of the Son's remains. He also filed a motion to expedite the proceedings. The Court of Chancery scheduled an emergency telephonic hearing for June 16, 2025. Jones moved to reschedule the hearing based on a protection from abuse ("PFA") order she had obtained against Howard. The court denied the motion.

(4) At the June 16, 2025 hearing, Howard expressed his desire for the Son's remains to be released to him for burial in Philadelphia. Jones expressed her desire for the Son's remains to be released to her for burial in Georgia. There were conflicting statements concerning the present location of the Son's remains; Howard stated that the Son's remains were at a Delaware funeral home that Jones had directed to send the remains to Georgia, and Jones stated that the Son's remains were in the medical examiner's office. There were also conflicting statements concerning whether the Son had a will; Howard stated that he did not, and Jones stated that he did.

(5) After the June 16, 2025 hearing, the court appointed an attorney *ad litem* to determine whether the Son's remains were at the funeral home identified by Howard. The court also scheduled an evidentiary hearing to be held by Zoom on June 20, 2025. The attorney *ad litem* advised that the Son's remains were at the funeral home.

(6) At the June 20, 2025 evidentiary hearing, the court heard testimony from Howard and Jones via separate Zoom sessions. Later that day the court issued an order directing the release of the Son's remains to Howard for purposes of holding a funeral service (or services so that the parties could attend separately) and burial in Philadelphia. Applying 12 *Del. C.* § 264(c), the court determined that a funeral and burial in Philadelphia was most consistent with the Son's last wishes given the number of years he had lived in Pennsylvania and the relatives and friends he had there.

(7) In subsequent *ex parte* submissions to the Court of Chancery, Jones argued that she was named executor in the Son's will and had the authority to determine the disposition of the Son's remains. The court treated the submissions as a motion for reargument and stay of the June 20, 2025 order. The court denied the motion. This appeal followed.

(8) Jones first contends that the Court of Chancery deprived her of procedural due process by: (i) holding the evidentiary hearing within four days of the preliminary hearing, which left her with insufficient time to gather proof of the Son's will; and (ii) having the parties testify via separate Zoom sessions at the evidentiary hearing without the opportunity for cross-examination. During the preliminary hearing, the Court of Chancery scheduled the evidentiary hearing for June 20, 2025, and stated that, in light of the PFA, the parties would testify in

separate Zoom sessions. Jones did not object to the date of the evidentiary hearing or how the hearing would be conducted, so we review for plain error.¹ Plain error is error that is “so clearly prejudicial to substantial rights as to jeopardize the fairness and integrity of the trial process.”²

(9) Procedural due process requires that the parties affected receive meaningful notice and an opportunity to be heard.³ It is undisputed that Jones received the petition, had notice of both hearings, and participated in both hearings. During the preliminary hearing, the court discussed the significance of a will in determining how to dispose of a decedent’s remains under Section 264. Jones contradicted Howard’s assertion that the Son did not have a will, and indicated that she would be submitting it to the court. Jones did not submit a will to the court before or during the evidentiary hearing. Nor did she discuss the contents of any will or ask for additional time to submit a will.

(10) Although the parties did not have the opportunity to cross-examine each other at the evidentiary hearing, they did have ample opportunity to present their positions concerning the disposition of the Son’s remains. Jones does not identify any information relevant to the court’s Section 264 analysis that she would have

¹ Supr. Ct. R. 8.

² *Wainwright v. State*, 504 A.2d 1096, 1100 (Del. 1986).

³ *Tsipouras v. Tsipouras*, 677 A.2d 493, 496 (Del. 1996).

elicited in cross-examination of Howard. Under these circumstances, there is no plain error in the expedited scheduling or structuring of the evidentiary hearing.

(11) Jones next contends that the Court of Chancery ignored the Son's will in violation of Section 264. Section 264 establishes the legal framework for determining who has the right to control the disposition of a decedent's remains. The decedent acting through a declaration instrument has first priority, followed by several categories of persons that are not relevant here and then the decedent's surviving parents.⁴ If the surviving parents are unable to agree, the Court of Chancery decides the right to control final disposition "consistent with the decedent's last wishes to the extent they are reasonable under the circumstances."⁵

(12) As previously discussed, Jones did not submit the will to the court before or during the evidentiary proceeding. Nor did she argue during the evidentiary hearing that there was a will entitling her to control disposition of the Son's remains. Thus, there was no evidence of a will for the Court of Chancery to consider in reaching its June 20, 2025 decision.

(13) After the June 20, 2025 decision, Jones submitted a supplemental statement asserting that the Son's will named her as executor and that the will had been lodged with the New Castle County Register of Wills. The statement included

⁴ 12 *Del. C.* § 264(a)(1), (a)(5).

⁵ *Id.* § 264(c).

a June 30, 2025 receipt for the Son's will in the Register of Wills, but did not include the will. As the Court of Chancery also noted in denying Jones's motion for reargument, there was no evidence that the Register of Wills had accepted the will as valid, that an estate for the Son had been opened, that the will had been submitted to probate, or that Jones was appointed executor. The Court of Chancery did not ignore the will in violation of Section 264 as Jones contends.

(14) Finally, Jones argues that the Court of Chancery relied on unauthenticated and unreliable evidence in granting Howard's petition. Most of the evidence that Jones challenges was irrelevant to the Court of Chancery's decision. Jones also contends that the Son did not live in Philadelphia for fifteen years as Howard testified, but she does not dispute that he spent more of his life in Philadelphia than in Delaware or Georgia. We find no reversible error in the Court of Chancery's application of Section 264 and determination that Howard should control the disposition of the Son's remains.

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

BY THE COURT:

/s/ N. Christopher Griffiths
Justice