

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

STATE OF DELAWARE,)	Case No.: 2509008858
)	
Petitioner,)	
)	
v.)	
)	
D----- T-----,)	
)	
Respondent.)	

ORDER ON MOTION TO SUPPRESS

On October 1, 2025, the State charged D----- T----- (D.O.B. --/--/2008) with two counts of Possession of a Firearm or Ammunition by a Person Prohibited.¹ The State’s case relies at least in part on two firearms recovered in a search of D-----’s home on September 16, 2025. Before the Court is D-----’s Motion to Suppress those firearms and, in general terms, “any evidence seized or obtained during the search of his residence.”² Although police obtained a search warrant before entering D-----’s home, he argues that the affidavit presented in support of that warrant failed to establish probable cause for the search. For the reasons that follow, D-----’s motion must be **DENIED**.

FACTS

On September 16, 2025, the State applied for a warrant to search D-----’s home, as well as “all outbuildings and curtleldges [sic].”³ The affiant, Det. Shayne Linkhorst,

¹ 11 *Del. C.* § 1448(a)(5) (prohibiting, with certain exceptions, “[a]ny person under the age of 21” from possessing firearms or ammunition). The Superior Court has found § 1448(a)(5) unconstitutional as to individuals between 18 and 21 years of age, who are legally deemed adults, but D----- was 17 when he was arrested and charged. *See Birney v. Del. Dep’t of Safety and Homeland Security*, 345 A.3d 1037, 1061–63, 1066 (Del. Super. Ct. 2025).

² See Mot. to Suppress at 1.

³ Search Warrant Application at 2.

works with the Wilmington Police Department Crime Gun Intelligence Center (“CGIC”).⁴ Between August and September 2025, CGIC detectives conducted an ongoing firearm investigation involving W----- J----, and monitored a series of Instagram posts featuring him in the presence of firearms.⁵ Det. Linkhorst’s affidavit specifically identified pictures published on Instagram on August 18, August 27, September 5, and September 12, 2025.⁶ Although the pictures were posted by different accounts, each of them appeared to feature W-----—sometimes on an unknown kitchen counter—holding or sitting near multiple firearms.⁷ Further, W----- was “prohibited from possessing a firearm due to being fifteen (15) years of age.”⁸ The affidavit then concluded with the following three paragraphs:

11. Your affiant can truly state that in continuance of this firearm investigation and in an attempt to locate [W-----], surveillance was established at the residence of ---- -- --- Street, which is the residence of a known associate of [W-----]. Furthermore, CGIC Detectives were advised by Juvenile Probation and Parole that [W-----’s] mother contacted Juvenile Probation and Parole and advised that [W-----] was staying at that residence for an unknown period of time.
12. Your affiant can truly state that while conducting surveillance, [W-----] was observed to exit the front door of the residence ---- -- --- Street with another subject. [W-----] was taken into custody in the --- Block of -- ----- Street due to his outstanding [probation] warrant. During a search incident to arrest, [W--- --] was not found to be in possession of any concealed firearms.
13. Your affiant can truly state that due to the observations of photographs of [W--- --] in possession of multiple firearms, it is believed that they may still be at the location he was known to be most recently residing at of ---- -- --- Street. Through this Detective’s training and experience, firearms are often shared

⁴ Search Warrant Application, ¶ 1.

⁵ *Id.* ¶¶ 4–5.

⁶ *Id.* ¶¶ 6–9.

⁷ *Id.*

⁸ *Id.* ¶ 10.

among associates. It is common for subjects to pass or share the firearm with associates when they do not require it. Furthermore, subjects engaged in illegal criminal activity, including the possession of firearms[,] when not legally allowed to be in possession of same, will often discard or keep illegal firearms inside of a residence to avoid police detection.⁹

The search warrant was issued on September 16, 2025, and D-----, as an alleged known associate, was arrested and charged that same day.

STANDARD OF REVIEW

Neither the scope nor the standard of review is in dispute in this case. “Under the Delaware and the United States Constitutions, ‘a search warrant may be issued only upon a showing of probable cause.’”¹⁰ When reviewing a warrant for probable cause, this Court examines only the information contained within the “four corners” of the affidavit presented to the magistrate in support of the warrant.¹¹ Probable cause exists when the affidavit contains enough facts for “a neutral judicial officer to form a reasonable belief that an offense has been committed and that seizable property w[ill] be found” in the particular place to be searched.¹² It does not matter whether the premises are owned or occupied by the person suspected of a crime, or even whether the affidavit “name[s] the person from whom the things will be seized.”¹³ The question is simply whether the affidavit shows a logical connection between the items sought and

⁹ *Id.* ¶¶ 11–13.

¹⁰ *Sisson v. State*, 903 A.2d 288, 296 (Del. 2006) (citing U.S. Const. amend. IV; Del. Const. art. I, § 6).

¹¹ *Dorsey v. State*, 761 A.2d 807, 811–12 (Del. 2000).

¹² *Johns v. State*, 351 A.3d 974, 992 (Del. 2025) (quoting *Dorsey*, 761 A.2d at 811).

¹³ *Zurcher v. Stanford Daily*, 436 U.S. 547, 554–55 (1978); *accord State v. Deary*, 2017 WL 3131106, at *4 (Del. Super. Ct. July 21, 2017) (LeGrow, J.).

the place to be searched.¹⁴ But stale information will not do: “probable cause must exist to believe that the specified items are *presently* on the premises.”¹⁵

If a warrant is issued without probable cause, it is constitutionally unreasonable, and any evidence discovered in the search must be suppressed.¹⁶ But because judicial search warrants are “presumptively valid,”¹⁷ a defendant challenging such a search bears the burden of proving the absence of probable cause.¹⁸ Moreover, the issuing magistrate is free to make reasonable, common-sense inferences from the facts presented in the affidavit, and a finding of probable cause is reviewed with “great deference” on a motion to suppress.¹⁹ This Court will reverse only if there was no “substantial basis” for the magistrate’s determination.²⁰

ANALYSIS

Here, D----- does not dispute that the warrant established probable cause that a crime had occurred.²¹ The affidavit described a series of recent social-media posts appearing to feature W----- in possession of firearms, and it noted that he was a person prohibited from such possession by virtue of his young age. D----- instead argues that the affidavit failed to provide the magistrate with a substantial basis for believing that evidence of W-----’s crimes would be found in D-----’s home at the time it was searched.

¹⁴ *Johns*, 351 A.3d at 992 (citing *Hooks v. State*, 416 A.2d 189, 203 (Del. 1980)); see also 11 *Del. C.* § 2306.

¹⁵ *Sisson*, 903 A.2d at 297 (quoting *Pierson v. State*, 338 A.2d 571, 573 (Del. 1975)) (emphasis in original).

¹⁶ *Dorsey*, 761 A.2d at 820–21 (citing *Rickards v. State*, 77 A.2d 199 (1950) and declining to adopt the federal good-faith exception created by *United States v. Leon*, 468 U.S. 897 (1984)).

¹⁷ *State v. Prouse*, 382 A.2d 1359, 1362 (Del. 1978), *aff’d on other grounds*, 440 U.S. 648 (1979).

¹⁸ *Swanson v. State*, No. 364, 2024, 2025 WL 3778943, at *3 (Del. Dec. 31, 2025).

¹⁹ *Johns*, 351 A.3d at 993.

²⁰ *Buckham v. State*, 185 A.3d 1, 16 (Del. 2018) (citing *Sisson*, 903 A.2d at 296).

²¹ See Mot. to Suppress, ¶ 16.

He raises four main complaints about the averments linking his home to W-----'s crimes. First, the affidavit does not offer any facts in support of the assertion that D-----'s home is "the residence of a known associate of [W-----]." ²² Second, it relies on the "double hearsay" of probation officers repeating the words of W-----'s mother without indicating when she spoke to probation, how she knew W-----'s whereabouts, or whether police had corroborated her tip through independent investigation before beginning surveillance of D-----'s home. ²³ Third, the affidavit fails to identify when that surveillance began or when W----- was "most recently residing" in D-----'s home. Finally, it relies on generic statements about the tendency of criminals to share illegal firearms with associates and store them in houses.

It is true that the dates of some events were not specified. But while "time is a fundamental element in the concept of probable cause," ²⁴ a magistrate may infer some missing dates from their context. ²⁵ Taken as a whole, the information in this affidavit was not stale. After chronologically describing the series of pictures—some clearly taken inside a house—shared on Instagram between August 18 and September 12, 2025, the affidavit explained that police began surveilling D-----'s home "in continuance of this firearm investigation." ²⁶ In the same paragraph, Det. Linkhorst noted that probation officers had relayed a statement from W-----'s mother that he "was staying at [D-----'s] residence for an unknown period of time." ²⁷ Even though neither of these events was

²² Search Warrant Application, ¶ 11.

²³ Mot. to Suppress, ¶ 18.

²⁴ *State v. Pulgini*, 374 A.2d 822, 823 (Del. 1977).

²⁵ See *Sisson*, 903 A.2d at 297–98.

²⁶ Search Warrant Application, ¶ 11.

²⁷ *Id.*

explicitly dated, the magistrate could reasonably infer that the investigating officers began their surveillance and heard from probation between September 12 (the date of the last picture) and September 16 (the date police sought a warrant). Although specifying a timeframe for the tip from W-----'s mother that he was staying with D----- would have been helpful, that minor deficiency is not fatal.²⁸

It is also true that the statement by probation officers repeating the words of W-----'s mother was hearsay within hearsay. It is well-established, however, that hearsay can support a warrant if "the hearsay declarant was reliable."²⁹ Information relayed from one law-enforcement officer to another is deemed presumptively reliable.³⁰ For other sources, the magistrate must consider "the reliability of the informant, the details contained in the informant's tip, and the degree to which the tip is corroborated by independent police surveillance and information."³¹

There was good reason to believe that the information from W-----'s mother was reliable. She identified herself, exposing herself to possible criminal penalties if she provided false information.³² Despite the lack of details, the source of her knowledge

²⁸ See *Pulgini*, 374 A.2d at 823 ("Where [an] affidavit properly recites facts indicating activity of a protracted and continuous nature . . . the passage of time becomes less significant.").

²⁹ *Hooks*, 416 A.2d at 202.

³⁰ *State v. Morris*, 2017 WL 6513487, at *2 (Del. Super. Ct. Dec. 19, 2017) (citing *Hooks*, 416 A.2d at 202–03; *United States v. Ventresca*, 380 U.S. 102, 111 (1965)); see also *id.* at *3 ("when officers have been in communication with one another, 'the collective knowledge of an entire organization may be imputed to an individual officer.'") (quoting *State v. Cooley*, 457 A.2d 352, 355 (Del. 1983)).

³¹ *Swanson v. State*, 351 A.3d 496, 516 (Del. 2025). The State is simply incorrect when it asserts that police need not corroborate a tip from an identified informant. Although such a tip may support a finding of reasonable suspicion, our Supreme Court "has generally found a tip to be sufficiently reliable to meet this higher standard [of probable cause] only where the police corroborate aspects of the tip relating to the alleged criminal act even if the informant's identity is known." *Id.* at 512–13, 516. Significantly, however, whether a tip has been sufficiently corroborated is measured at the time the police apply for a search warrant—not, as D----- suggests, at the time they begin surveillance (unless that surveillance itself involves a constitutional search).

³² See *Swanson*, 351 A.3d at 512.

was “self-evident.”³³ An officer or magistrate may reasonably assume that a mother knows her child’s whereabouts, at least in the absence of information to the contrary. What is more, the police saw W----- walk out of D-----’s home shortly before the search, corroborating what W-----’s mother had reported to probation.

Finally, in isolation, some of Det. Linkhorst’s averments were generalized or conclusory, but this Court is bound to review the affidavit “as a whole [and] in a practical, commonsense manner,” rather than conducting “a hypertechnical analysis of its separate allegations.”³⁴ Taken together, the allegations described above gave the magistrate a substantial basis for believing that W----- had possessed weapons in a home during an extended period in which he lived with D----- . And because W----- was not carrying any weapons when he was arrested, the officers and the magistrate reasonably concluded that the firearms pictured on Instagram remained in the home where W----- had been “most recently residing,” i.e., D-----’s home.³⁵

D----- relies heavily on the Superior Court’s decision in *State v. Ada*,³⁶ but *Ada* is distinguishable. The problem is not, as the State contends, that *Ada* involved confidential informants. The informants in *Ada*, although used unsuccessfully to investigate whether the defendant was dealing drugs out of an apartment on Lancaster Avenue, were completely irrelevant to the pertinent application for a warrant to search a

³³ See *People v. Grimes*, 594 N.Y.S.2d 392, 393 (N.Y. App. Div. 1993) (when defendant’s mother and girlfriend informed the police that he had firearms, the basis of knowledge for that information “was self-evident”); compare, e.g., *United States v. Shaulis*, No. 3:18-33, 2019 WL 7856722, at *12 (W.D. Pa. Sept. 24, 2019) (tip from defendant’s wife, who lived with him, “alone provide[d] a substantial basis” to find probable cause”), with, e.g., *United States v. Knox*, 79 F. Supp. 3d 1219, 1224–27 (D. Kan. 2015) (tip from defendant’s estranged girlfriend needed additional corroboration to support probable cause).

³⁴ *Sisson*, 903 A.2d at 296.

³⁵ Search Warrant Application, ¶ 13.

³⁶ *State v. Ada*, 2001 WL 660227 (Del. Super. Ct. June 8, 2001).

second apartment on West Fourth Street. Instead, the police established probable cause and exigent circumstances after stopping two genuine buyers carrying crack cocaine.³⁷

Rather, *Ada* is inapplicable because this is not a case where police observed criminal activity at one location (e.g., W-----'s home) and then attempted to generate probable cause to search a second location (e.g., D-----'s home) based merely on residence. After establishing probable cause that Ada was selling drugs on Lancaster Avenue, the police saw him come and go from the Fourth Street apartment with a key. Once, he carried a bag from that apartment to the Lancaster Avenue unit. And another officer reported that a buyer caught outside the Lancaster Avenue apartment might be working for someone on West Fourth Street—three blocks from Ada's apartment. Based on those facts, as well as the experience-informed belief that “drug dealers . . . often keep their main supply location separate from their sales location,” the police sought a warrant for the Fourth Street apartment. But because they had seen no “illegal or suspicious activity” at Ada's Fourth Street apartment, the fact of his residence was an inadequate logical connection to the drug activity observed on Lancaster Avenue.³⁸

Here, by contrast, the statement from W-----'s mother suggested that W-----'s criminal activity had occurred in D-----'s home. The magistrate could reasonably conclude that evidence of his illegal possession of firearms would be found in D-----'s home because the evidence suggested that W----- had been living with D----- at the time the Instagram posts depicted him in the possession of those firearms. Based on the

³⁷ *Id.* at *1–4.

³⁸ *Ada*, 2001 WL 660227 at *5.

totality of the circumstances, the facts in the affidavit established probable cause to search because there was a reasonable nexus between the items to be sought (the guns) and the home to be searched (D-----'s).

CONCLUSION

D----- has not established that the magistrate issued a warrant to search his home without probable cause or that the search was otherwise unreasonable. Consequently, his Motion to Suppress is **DENIED**.

IT IS SO ORDERED.

May 5, 2026
Date Written Order Issued

/ Eliza M. Hirst /
ELIZA M. HIRST, JUDGE

Date Emailed to Counsel:
EMH