

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

Plaintiff,

v.

DENIS NJOKA,

Defendants.

Case No.: 2512009611

Submitted: July 8, 2026

Decided: July 13, 2026

OPINION AND ORDER

On Defendant's Motion to Suppress

DENIED

Carly Wasko, Deputy Attorney General, Attorney General's Office, 820 N. French Street, 7th floor, Wilmington, Delaware, Attorney for Plaintiff.

Philip M. Finestrauss, Esquire, 1404 North King Street, Wilmington, DE 19801, Attorney for Defendant.

Jones, J.

In this DUI case, Denis Njoka (“Defendant”) seeks quash his arrest, the Arrest Warrant, the Blood Draw Warrant and Defendant’s license revocation. Defendant also moves to suppress evidence in this matter. This is the Court’s decision on Defendant’s motion.

FACTS

Based on the testimony at the hearing, I find that the State has proven the following by a preponderance of the evidence.

On the evening of December 19, 2025, Officer Nathan Jupiter (“Jupiter”) of the New Castle County Police Department responded to the area of 85 Simonds Drive, New Castle, Delaware for a report of a hit-and-run motor vehicle collision in the area. Upon arrival Jupiter observed a white BMW 535 Series bearing DE 621392 parked on the roadway directly in front of 85 Simonds Drive. The vehicle had heavy front-end damage with red paint transfer on the right passenger side. Standing behind this car was a male identified as James Jolls (“Jolls”). Jolls advised Jupiter that the white BMW had struck his car and fled the scene. Jolls then followed the perpetrator in his vehicle, eventually coming to a stop at the dead end of Simonds Drive in front of 85 Simonds Drive. Jupiter learned from the dispatch call that the Defendant may have been intoxicated.

Jolls’ vehicle was directly behind the Defendant’s vehicle. Several cars back from Defendant’s vehicle was a police vehicle (not Jupiter’s) in the center of the

roadway. Behind that vehicle was where Jupiter parked which was about 50 feet from where the Defendant's patrol car was parked.

Jupiter made contact with Defendant who was still seated in the driver's seat of the BMW with the vehicle running. Jupiter then ordered Njoka out of the vehicle and the following conversation immediately occurred:

Officer Jupiter: "What's going on? Why are we here?"
Njoka: "I hi-...I hi-...I hit the car."
Officer Jupiter: "You hit the car?"
Njoka: "Yes."
Another Jupiter: "Where was this at?"
Njoka: "Over there" (pointing in another direction)
Officer Jupiter: "Okay. You feeling alright?"
Njoka: "Yeah, I am."
Officer Jupiter: "So, have you been drinking?"
Njoka: "I drank like a couple of beers before."

In speaking with Njoka, Jupiter detected a strong odor of alcohol emanating from Njoka's breath and observed Njoka's eyes to be bloodshot and glassy. Jupiter also noted that Njoka's speech was mumbled and slurred.

Jupiter asked Njoka for his license, registration and insurance, and had Njoka walk around to the passenger side of the BMW to retrieve these items from the glovebox. Njoka was able to produce his license and registration but provided Jupiter with expired insurance. Jupiter then had Njoka return to the back of the vehicle while Njoka made a call to attempt to obtain valid insurance.

Jupiter then began to conduct the Standardized Field Sobriety Tests. Jupiter asked Defendant "just do me a favor and stand right here I'm going to check your

eyes, alright?” Njoka responded “sure.” The eye test was conducted. Next, Jupiter said “ok, the next test we’re going to do is the one leg stand,” to which Defendant indicated that he is unable to perform due to a prior knee injury. Then Jupiter states “are you able to walk ... what we’re going to do ... alright.” Defendant refused to conduct other tests and told the officer that he wanted to do a breath test. Defendant completed the PBT with a reading of .236%. Njoka was then placed under arrest. The grand jury indicted Njoka for Driving a Vehicle While Under the Influence of Alcohol or With a Prohibited Alcohol Content, Leaving Scene of an Accident and Careless Driving.

On May 26, 2026, Njoka filed the instant motion contending (1) Njoka was illegally detained and interrogated in violation of Miranda and, therefore, all statements and evidence seized must be suppressed; and (2) Jupiter lacked probable cause to arrest Njoka.

STANDARD OF REVIEW

On a motion to Suppress evidence in a warrantless search or seizure, the State bears the burden of proof¹ to establish “that the challenged police conduct comported with the rights guaranteed [the Defendant] by the United States Constitution, the Delaware Constitution, and Delaware statutory law.”² The State must establish by a preponderance of the evidence that the search or seizure was lawful.³

¹ *Hunter v. State*, 783 A.2d 558, 560 (Del. 2001).

² *State v. Kang*, 2001 WL 1729126, at *3 (Del. Super. Ct. Nov. 30, 2001) (citing *Hunter*, 783 A.2d at 560)).

³ *State v. Darling*, 2007 WL 1784185, at *1 (Del. Super. Ct. June 8, 2007), as corrected (July 3, 2007) (citing *State v. Bien-Aime*, 1993 WL 138719 (Del. Super. Ct. Mar. 17, 1993)).

MIRANDA

Defendant's first contention is that he was in custody at the time of his statements to Jupiter and, therefore, his statements were part of a custodial interrogation. Because he was not given his Miranda rights, all the statements should be suppressed. The State maintains that Defendant was not in custody at the time of his questioning and that there was no custodial interrogation.

An individual who is subject to custodial interrogation by police must be advised of his Fifth Amendment rights to remain silent and to an attorney.⁴ If the accused indicates that he wishes to remain silent, "the interrogation must cease."⁵ If he requests counsel, "the interrogation must cease until an attorney is present."⁶ The advisement of *Miranda* warnings "is not required merely because the person being questioned is suspected by the police of criminal conduct."⁷ "Unless a Defendant is both 1) in custody or in a custodial setting *and* 2) subject to interrogation, he will not be entitled to a reading of *Miranda* warnings."⁸ "A person is 'in custody' when, considering the totality of the circumstances, 'a reasonable man in the suspect's position would feel a restraint on his freedom of movement fairly characterized as that "degree associated with formal arrest" to such an extent that he would not feel

⁴ *Miranda v. Arizona*, 384 U.S. 436, 467-70 (1966).

⁵ *Id.* at 473-74.

⁶ *Id.* at 474.

⁷ *State v. Dickens*, 2013 WL 6039202 at *2 (Del. Super. Oct. 8, 2013) (citing *State v. Brotman*, 1991 WL 138421, at *4 (Del. Super. Ct. July 11, 1991)).

⁸ *Id.* (emphasis included in original).

free to leave.’’⁹ Absent the initiation of an accusatory stage or during a custodial interrogation, *Miranda* is inapplicable.¹⁰

The Delaware Supreme Court has held the following:

The practicalities of effective police investigation at the scene, immediately after the commission of a crime, require the police to have an unrestricted scope of general interrogation as to those found there. It is unreasonable to expect the police to perform their initial investigatory function at the scene of the crime under the restrictions of the *Miranda* rules. Neither the *Miranda* case, nor its progeny, require such restriction and we decline to extend the *Miranda* rules to the routine, initial, on-scene investigation by the police. To do so would amount, in our opinion, to an unwarranted 'constitutional straight-jacket' on law enforcement. The *Miranda* rules are first applicable at the accusatory stage or during custodial interrogation.¹¹

Additionally, the Court has previously held that “investigation at the scene immediately following an accident is considered routine, initial investigation.”¹² It has long been established in Delaware caselaw that “police are not required to advise people of their rights pursuant to *Miranda* during roadside investigations.”¹³

Jupiter arrived at the scene and located the two operators involved. He approached Njoka’s white BMW, observing heavy front-end damage and asked Njoka to exit the vehicle. Upon exiting the vehicle Jupiter immediately asked what was going on and whether the Defendant had been drinking. At this point Jupiter

⁹ *Loper v. State*, 8 A.3d 1169, 1176 (Del. 2010) (quoting *McAllister v. State*, 807 A.2d 1119, 1126 (Del. 2002)).

¹⁰ *Laury v. State*, 260 A.2d 907, 908 (Del. 1969) (citing *Mathis v. United States*, 391 U.S. 1 (1968)).

¹¹ *Id.* at 908.

¹² *Fuentes v. State*, 2002 WL 32071656, at *2 (Del. Super. Ct. Dec. 30, 2002).

¹³ *State v. Gruber*, 2024 WL 2815342, at *2 (Del. Super. Ct. May 31, 2024) (citing *Laury*, 260 A.2d at 908).

learned from the Defendant's own words that he had been in an accident where he hit the other car, fled the scene and had been drinking. This is a classic investigative interview. While Jupiter may have been aware through dispatch that this was a potential DUI nothing about this initial exchange was anything other than an initial investigation. The Defendant was then permitted to walk to the other side of the car to reach into the glove box to retrieve the insurance information and was permitted to get on the phone to find about the insurance demonstrates that this was not a custodial interrogation. These facts demonstrate that under the totality of the circumstances there is no way that the Defendant should have felt that his liberty was restrained.

Under Defendant's view the set-up of the scene compels a conclusion that the Defendant was in custody. Defendant points to the fact that his car was boxed in and he could not leave and therefore he was in custody. What Defendant ignores is that it was the Defendant who fled the scene of the initial collision, went down a dead-end street and was boxed in not by police but by the victim of the hit and run collision. To accept Defendant's position would result in putting the police into a constitutional straight jacket and require Miranda warnings in every situation involving a dead-end street and a situation where non-law enforcement boxed the Defendant's car in.

I reject the argument that the officer did not ask the Defendant's permission to conduct the Field Sobriety Tests. My review of the testimony including the

officer's body cam leads me to conclude that the Officer did ask the Defendant if he would perform the eye tests and Njoka responded "sure". There is no better evidence that the Defendant knew he could refuse when in fact he refused to do the two walking tests requested of him and affirmatively indicated that he would take a breath test.¹⁴

This interaction, as a whole, did not amount to a custodial interaction. As such, Miranda warnings were not required for the Defendant.

FIELD SOBRIETY TESTS AND PBT

Njoka next argues that the SFST and PBT were administered involuntarily as he had not received Miranda warnings. The State concedes that it did not follow the timing procedures related to the administration of the PBT. Therefore, the Court will not consider the PBT in its analysis of whether Jupiter had probable cause to arrest the Defendant for Driving Under the Influence of Alcohol or with a Prohibited Alcohol Content. Additionally, the Court will not consider the limited results of the field sobriety test given its conclusion that there was probable cause to arrest Defendant for DUI even absent these limited results.

PROBABLE CAUSE

"Probable cause to arrest for a DUI offense exists when an officer possesses 'information which would warrant a reasonable man in believing that such a crime

¹⁴ As discussed below the only factors relied upon to establish probable cause based on the Defendant's statements were his admission of being in a hit and run accident and that he had been drinking. The remaining factors that establish probable cause relate to the officer's observations of the Defendant's and not the Defendant's own words.

has been committed.”¹⁵ The State must present facts which suggest, when those facts are viewed under the totality of the circumstance, there is a fair probability that the Defendant has committed a DUI offense.

Jupiter noted the following facts to establish probable cause:

1. He responded to a hit and run motor vehicle collision;
2. There was a strong odor of alcohol emanating from Defendant’s real person;
3. He had bloodshot and glassy eyes;
4. He had mumbled and slurred speech;
5. He was confused and had slow reaction time;
6. He admitted to drinking a couple of beers;
7. He admitted to hitting the other vehicle; and
8. He refused to complete multiple field sobriety tests.¹⁶

All of these factors, taken together, suggest a fair probability that Njoka had committed the crime of Driving Under the Influence of Alcohol or with a Prohibited Alcohol Content and that there was probable cause to arrest the Defendant for this crime.¹⁷

For the above reasons, Defendant’s Motion to Suppress is hereby DENIED.

IT IS SO ORDERED.

/s/ Francis J. Jones, Jr.
Francis J. Jones, Jr., Judge

cc: Original to Prothonotary

¹⁵ *Lefebver v. State*, 19 A.3d 287, 292 (Del. 2011) (quoting *Clendaniel v. Voshell*, 562 A.2d 1167, 1170 (Del. 1989)).

¹⁶ *In re Higgins v. Shahan*, 1995 WL 108699, at *3 (Del. Super. Ct. Jan. 18, 1995) (considering the Defendant’s refusal to submit to field sobriety tests as a factor in the summation of probable cause); *see also State v. Drake*, 2018 WL 7021957, at *1 (Del. Super. Ct. Dec. 21, 2018), *aff’d*, 221 A.3d 100 (Del. 2019) (“[T]he refusal [to take field sobriety tests] may properly be considered in determining probable cause.”).

¹⁷ *Bease v. State*, 884 A.2d 495, 499-500 (Del. 2005); *In re Higgins*, 1995 WL 108699, at *3; *State v. Oseguera-Avila*, 197 A.3d 1050, 1059 (Del. Super. Ct. 2018).