

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

DESTINY LABOY and
DARIN WISE,

Defendants.

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Crim. ID Nos. 2504004219
2504004216

Submitted: June 17, 2026
Decided: August 19, 2026

Upon Defendants Destiny Laboy and Darin Wise's Motion to Sever,
DENIED.

MEMORANDUM OPINION AND ORDER

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Benjamin S. Gifford IV, Esquire, and Finny Q. Lopez, Esquire, THE LAW OFFICE OF BENJAMIN S. GIFFORD IV, Wilmington, Delaware, *for Mr. Darin Wise.*

Kevin P. Tray, Esquire, LAW OFFICE OF KEVIN P. TRAY, Wilmington, Delaware, *for Ms. Destiny Laboy.*

WALLACE, J.

This case involves the death of a preschooler by abuse or neglect while in the full-time custody of her two caregivers. The question is whether resolution of criminal liability of those two caregivers—the child’s father and his live-in girlfriend—requires severance of their pending trials. The circumstances now known to the Court concerning the alleged abuse and neglect don’t present the sort of antagonistic defenses that warrant severance. While the Court may not be able to fully predict what later developments may emerge, there is presently no basis to sever Defendants’ trials.

I. FACTUAL AND PROCEDURAL BACKGROUND¹

The State alleges that on February 25, 2023, Darin Wise called 911 after discovering that his four-year-old daughter, Amiyah Wise, was unresponsive.² Amiyah was pronounced dead before she arrived at the hospital.³ Two autopsies concluded that her death resulted from complications due to blunt-force injuries and severe maltreatment occurring over the months before her death.⁴

The State intends to prove that, during the months preceding her death, Amiyah’s primary caregivers were Mr. Wise and Destiny Laboy.⁵ Mr. Wise is

¹ While the dockets for Ms. Laboy and Mr. Wise contain the relevant motions and are generally mirrored, the Court cites only Mr. Wise’s docket for simplicity—ID Nos. 2504004216.

² State’s Response to Defendants’ Motion to Sever 1 (D.I. 26) [hereinafter “State’s Resp.”].

³ State’s Resp. 1.

⁴ *Id.* at 1–2.

⁵ *Id.*

Amiyah’s biological father, and Ms. Laboy is Mr. Wise’s girlfriend.⁶ The State alleges that both Defendants were jointly accountable for Amiyah’s care and would have been aware of, able to observe, and ultimately responsible for, her deteriorating condition and the accumulation of injuries prior to her death.⁷

Mr. Wise and Ms. Laboy were jointly indicted on one count of Murder by Abuse or Neglect in the First Degree, in violation of 11 *Del. C.* § 634.⁸ That statute states:

- (a) A person is guilty of murder by abuse or neglect in the first degree when the person recklessly causes the death of a child:
 - (1) Through an act of abuse and/or neglect of such child; or
 - (2) When the person has engaged in a previous pattern of abuse and/or neglect of such child.⁹

Mr. Wise moved to sever his trial from Ms. Laboy’s under Criminal Rule 14.¹⁰ Ms. Laboy has joined fully in that motion.¹¹ The Court heard oral argument and

⁶ *Id.*

⁷ *Id.* See DEL. CODE ANN. tit. 11, § 634(b)(1) (2023) (“‘Abuse’ or ‘neglect’ shall have the same meaning as set forth in §1100 of [Title 11].”); *id.* at § 1100(4) (referencing neglect definition in 10 *Del. C.* § 901); *id.* at tit. 10, §§ 901(1), (3), (18) (providing that one who “has” or “[i]s responsible” for the “care, custody or control of a child” may be criminally liable for abuse or neglect of that child and such persons include “[a] parent . . . or custodian” and “[other] members of the child’s . . . household” or “[a]ny person who has assumed control of or responsibility for the child”).

⁸ D.I. 1.

⁹ DEL. CODE ANN. tit. 11, § 634 (2023).

¹⁰ Defendants’ Motion to Sever (D.I. 21).

¹¹ Defendants’ Motion to Sever, Destiny Laboy, Crim. ID No. 2504004219 (April 23, 2026) (D.I. 22) (“Defendant Laboy joins co-Defendant Wise’s Motion to Sever for the reasons stated therein.”).

reserved the matter for written decision.¹²

II. PARTIES' CONTENTIONS

A. MR. WISE AND MS. LABOY'S CONTENTIONS

Defendants argue that their defenses are mutually antagonistic.¹³ According to Defendants, each intends to argue that the other is solely responsible for any abuse, neglect, or injuries suffered by the child, making it impossible for the jury to accept one defense without rejecting the other.¹⁴ At argument, Defendants pressed a proposed theory that a single act may have been responsible for Amiyah's death (contrary to the State's view), and thus, to defend their innocence, they effectively must—or at the very least, intend to—prosecute one another during trial. As a result, Defendants contend that a joint trial would effectively place each defendant in the role of a “second prosecutor”¹⁵ against the other, creating substantial injustice and undermining the jury's ability to fairly determine guilt or innocence.¹⁶ They contend

¹² D.I. 28.

¹³ *See generally* Defendants' Motion to Sever.

¹⁴ *Id.* at 14.

¹⁵ *Id.* at 5–7 (citing *United States v. Tootick*, 952 F.2d 1078, 1082–83 (9th Cir. 1991)). The Ninth Circuit's “second prosecutor” problem describes a situation in which co-defendants' defenses are so antagonistic that their trial strategies effectively turn each into an additional prosecutor against the other. *Tootick*, 952 F.2d at 1082 (“Defendants who accuse each other bring the effect of a second prosecutor into the case with respect to their codefendant. In order to zealously represent his client, each codefendant's counsel must do everything possible to convict the other defendant. The existence of this extra prosecutor is particularly troublesome because the defense counsel are not always held to the limitations and standards imposed on the government prosecutor.”).

¹⁶ *See generally* Defendants' Motion to Sever.

that the defenses they will present to the jury are not merely different but directly contradictory.¹⁷ They therefore insist that severance is necessary to protect their constitutional rights to a fair trial and due process.¹⁸

B. THE STATE’S CONTENTIONS

The State counters that severance should be denied.¹⁹ The prosecution maintains that this case involves both physical abuse and neglect, and that both defendants owed a duty of care to the child; thus, the jury could find one, both, or neither defendant guilty based on the evidence without having to accept one defense and reject the other.²⁰ The State further asserts that separate-verdict jury instructions will adequately protect against prejudice and that judicial economy strongly favors a joint trial, particularly given the overlap of evidence and witnesses, including a young child witness who would otherwise have to testify twice.²¹ Accordingly, the State contends that Defendants haven’t shown a serious risk that a joint trial will compromise any specific trial right or prevent a reliable determination of guilt.²²

¹⁷ *Id.* at 10–14.

¹⁸ *See generally id.*

¹⁹ *See generally* State’s Resp.

²⁰ *Id.* at 6–12.

²¹ *Id.* at 9–10.

²² *See generally id.*

III. APPLICABLE LEGAL STANDARDS

Superior Court Criminal Rule 8(b) permits joinder of defendants in the same indictment “if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses.”²³ If it appears that a defendant is prejudiced by a joint trial, the court may grant severance of defendants.²⁴ “Ordinarily, defendants indicted together should be tried together[.]”²⁵ But “[t]he decision to grant or deny severance is a matter within the sound discretion of the trial court.”²⁶

Defendants shoulder the burden to establish a “reasonable probability” that “substantial injustice” may result from a joint trial,²⁷ and this Court isn’t obligated to sever based upon “hypothetical[s.]”²⁸ Defendants must show a “serious risk that a joint trial would compromise a specific trial right of one of the defendants, or

²³ Super. Ct. Crim. R. 8(b).

²⁴ Super. Ct. Crim. R. 14.

²⁵ *Phillips v. State*, 154 A.3d 1130, 1137 (Del. 2017) (*Phillips I*) (citing *Skinner v. State*, 575 A.2d 1108, 1119 (Del. 1990); Super. Ct. Crim. R. 8(b)); *Jenkins v. State*, 230 A.2d 262, 272–73 (Del. 1967).

²⁶ *Bradley v. State*, 559 A.2d 1234, 1241 (Del. 1989); *Floudiotis v. State*, 726 A.2d 1196, 1210 (Del. 1999); *see also Lloyd v. State*, 249 A.3d 768, 775 (Del. 2021).

²⁷ *Phillips v. State*, 154 A.3d 1146, 1156 (Del. 2017) (*Phillips II*); *Winer v. State*, 950 A.2d 642, 648 (Del. 2008) (discussing the severance of charges).

²⁸ *Lloyd*, 249 A.3d at 775–79; *Floudiotis*, 726 A.2d at 1210; *Bradley*, 559 A.2d at 1241; *Manley v. State*, 709 A.2d 643, 652–53 (Del. 1998).

prevent the jury from making a reliable judgment about guilt or innocence.”²⁹ Our Supreme Court has set out four factors a trial court should consider prior to determining whether to sever criminal defendants:

(1) problems involving a co-defendant’s extra-judicial statements; (2) an absence of substantial independent competent evidence of the movant’s guilt; (3) antagonistic defenses as between the co-defendant and the movant; and (4) difficulty in segregating the State’s evidence as between the co-defendant and the movant.³⁰

IV. DISCUSSION

DEFENDANTS HAVEN’T ESTABLISHED A REASONABLE PROBABILITY THAT SUBSTANTIAL INJUSTICE MAY RESULT FROM A JOINT TRIAL.

While the Parties have not addressed all four factors our Supreme Court advises the Court to consider, the Court does so—albeit with varying degrees of brevity. The Court begins with the issue of antagonistic defenses as it is the principal ground upon which Defendants seek severance as well as the focus of the parties’ arguments. The Court then briefly addresses the remaining severance factors. Considering each, Defendants have not demonstrated a reasonable probability that substantial injustice will result from a joint trial.

²⁹ *Zafiro v. United States*, 506 U.S. 534, 539 (1993); *Lloyd*, 249 A.3d at 777; *Manley*, 709 A.2d at 653.

³⁰ *Floudiotis*, 726 A.2d at 1210; *Phillips I*, 154 A.3d at 1137 (same); *see also Jenkins*, 230 A.2d at 272–73.

1. The Defendants have not demonstrated antagonistic defenses warranting severance.

Although antagonistic defenses are a factor to be considered under Rule 14, “the presence of hostility between a defendant and his codefendant or ‘mere inconsistencies in defenses or trial strategies’ do not require a severance.”³¹ A defendant seeking severance must demonstrate more than finger-pointing or conflicting theories of the case.³² It is just when “the jury can reasonably accept the core of the defense offered by either defendant only if it rejects the core of the defense offered by his co-defendant, [that] the defenses are sufficiently antagonistic to mandate separate trials.”³³

Consider *Manley v. State*³⁴ and *Bradley v. State*.³⁵ In both cases, the trial court refused to sever co-defendants.³⁶ *Manley* involved the killing of a victim by

³¹ *Bradley*, 559 A.2d at 1241 (quoting *Antagonistic Defenses as Ground for Separate Trials of Codefendants in Criminal Case*, 82 A.L.R.3d § 2, at 250 (1978)); *but see Manley*, 709 A.2d at 652 (“The existence of mutually antagonistic defenses between co-defendants is a definite factor to be considered and can be determinative in deciding whether severance should be granted.”).

³² *Lloyd*, 249 A.3d at 778 (“[A] court should grant severance only when there is a ‘serious risk’ that the ‘joint trial would compromise a specific trial right of one of the defendants or prevent the jury from making a reliable judgment about guilt or innocence.’”). But even where some risk of prejudice exists, severance is unnecessary if that prejudice can be cured through appropriate limiting instructions directing the jury to consider the evidence separately as to each defendant. *Id.* at 778 (“severance is unnecessary if the prejudice can be cured with a proper jury instruction.”).

³³ *Bradley*, 559 A.2d at 1241 (quoting *State v. Vinal*, 504 A.2d 1364, 1368 (Conn. 1986)); *Anderson v. State*, 249 A.3d 785, 793 (Del. 2021); *Phillips II*, 154 A.3d at 1157.

³⁴ 709 A.2d 643 (Del. 1998).

³⁵ 559 A.2d 1234 (Del. 1989).

³⁶ *Manley*, 709 A.2d 651–53; *Bradley*, 559 A.2d 1240–42.

shooting.³⁷ The Delaware Supreme Court upheld the trial court's decision not to sever because criminal liability for either defendant didn't depend on the factual question of who pulled the trigger.³⁸ Instead, criminal liability turned on whether each co-defendant participated in the homicide (*i.e.*, as principal or accomplice).³⁹ So who fired the fatal shot barely impacted either co-defendant's criminal liability and could not be resolved simply by the other's conviction.⁴⁰ The question was participation in the killing.⁴¹

By contrast, in *Bradley*, the Delaware Supreme Court reversed the trial court.⁴² There, the issue at trial was the identity of the person who committed a burglary, and each co-defendant argued that the other co-defendant was the perpetrator.⁴³ Under those circumstances, each defendant's strategy depended on persuading the jury that the other defendant was the sole perpetrator to obtain his own acquittal.⁴⁴ And our Supreme Court determined that type of mutually exclusive defense was impermissible in a joint trial.⁴⁵

³⁷ See generally *Manley*, 709 A.2d 643.

³⁸ *Id.* at 651–53

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See generally *Bradley*, 559 A.2d 1234.

⁴³ See generally *id.*

⁴⁴ *Id.* at 1240–42, 1246–47.

⁴⁵ *Id.*

These cases, along with others, illustrate the rule.⁴⁶ Severance isn't a choice that defendants make simply by demonstrating that their trial defenses may conflict, and "a defendant is not entitled to a separate trial simply because he might then stand a better chance of being acquitted."⁴⁷ The Court looks to the "core of the defense[s]" to determine whether they are "antagonistic."⁴⁸

Here, Defendants claim that one of their preferred defenses is that the State is wrong about the victim's cause of death. They say each should be able to focus on this defense—*i.e.* that it was not neglect, a cumulation of abuses, or some combination thereof, but a single fatal act of abuse directly inflicted by just one actor (their co-defendant)—at trial. And in their view, they must each have an individual trial to do so.

But even accepting that expressed theory on its terms, the defenses aren't mutually exclusive. Defendants' argument assumes that identifying the person who

⁴⁶ See generally *Lloyd*, 249 A.3d at 775–78 (affirming when the trial court refused to grant severance when one co-defendant admitted to his participation in a drug-dealing enterprise and the other didn't); *Phillips II*, 154 A.3d at 1157 (affirming when the trial court refused to grant severance when each co-defendant wanted to pursue conflicting trial strategies and when one of the co-defendant's counsel made accusatory statements against the other co-defendant in closing arguments); *State v. Anker*, 2005 WL 823750, at *4 (Del. Super. Ct. Apr. 4, 2005) (permitting severance when large sums of money were stolen when "[t]here were only the two [defendants] in the office who had the necessary access to the files, checks and escrow funds."); see also *Stevenson v. State*, 709 A.2d 619 (Del. 1998), *rev'd*, 782 A.2d 249 (Del. 2001) (holding the same as *Manley* in the co-defendant's case).

⁴⁷ *Bradley*, 559 A.2d at 1241; *Lloyd*, 249 A.3d at 778 (same); *Taylor v. State*, 76 A.3d 791, 801 (Del. 2013) (same).

⁴⁸ *Anderson*, 249 A.3d at 793; *Bradley*, 559 A.2d at 1241; *Phillips II*, 154 A.3d at 1157; *Phillips I*, 154 A.3d at 1137.

committed a supposed immediate fatal act identifies the person who recklessly caused Amiyah’s death through “abuse” or “neglect.” The Legislature, in enacting 11 *Del. C.* § 634, didn’t make those propositions equivalent.⁴⁹ Even under a “single-act theory,”⁵⁰ the statute asks whether a person recklessly caused the death of a child “[t]hrough an act of abuse and/or neglect[.]”⁵¹

Both “abuse” and “neglect” are defined terms. “Abuse” “means causing any physical injury to a child through unjustified force as defined in § 468(1)(c) of this title, torture, **negligent treatment**, sexual abuse, exploitation, **maltreatment**, **mistreatment or any means other than accident.**”⁵² “Neglect” means that a

⁴⁹ DEL. CODE ANN. tit. 11, § 634 (2023).

⁵⁰ And recall, the Court isn’t required to accept a “hypothetical” in this analysis. *Lloyd*, 249 A.3d at 775–79; *Floudiotis*, 726 A.2d at 1210; *Bradley*, 559 A.2d at 1241; *Manley*, 709 A.2d at 652–53.

⁵¹ DEL. CODE ANN. tit. 11, § 634 (2023):

(a) A person is guilty of murder by abuse or neglect in the first degree when the person recklessly causes the death of a child:

(1) Through an act of abuse and/or neglect of such child; or

(2) When the person has engaged in a previous pattern of abuse and/or neglect of such child.

⁵² DEL. CODE ANN. tit. 11, § 1100(1) (2023); *id.* § 634(b)(1) (“‘Abuse’ and ‘neglect’ shall have the same meaning as set forth in § 1100 of this title.”); *id.* § 468(1)(c) (“Throwing the child, kicking, burning, cutting, striking with a closed fist, interfering with breathing, use of or threatened use of a deadly weapon, prolonged deprivation of sustenance or medication, or doing any other act that is likely to cause or does cause physical injury, disfigurement, mental distress, unnecessary degradation or substantial risk of serious physical injury or death; . . .”); *see also El-Abbadi v. State*, 312 A.3d 169, 185 (Del. 2024).

person:⁵³

- a. Is responsible for the care, custody, and/or control of the child; and
- b. Has the ability and financial means to provide for the care of the child; and
 1. **Fails to provide necessary care with regard to: food, clothing, shelter, education, health, medical or other care necessary for the child's emotional, physical, or mental health, or safety and general well-being; or**
 2. Chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for that child's safety and general well-being; or
 3. **Fails to provide necessary supervision appropriate for a child when the child is unable to care for that child's own basic needs or safety**, after considering such factors as the child's age, mental ability, physical condition, the length of the caretaker's absence, and the **context of the child's environment.**⁵⁴

These definitions demonstrate why identifying one Defendant as the person who directly caused Amiyah's death doesn't resolve the other Defendant's criminal liability. Section 634 requires the State to prove, separately to each Defendant, that the Defendant recklessly caused Amiyah's death through abuse or neglect. Neither

⁵³ DEL. CODE ANN. tit. 11, § 634(b)(1) (2023) ("‘Abuse’ and ‘neglect’ shall have the same meaning as set forth in § 1100 of this title."); *id.* § 1100(4) ("‘Neglect’ or ‘neglected child’ is as defined in § 901 of Title 10.").

⁵⁴ DEL. CODE ANN. tit. 10, § 901(18) (2023); *El-Abbadi v. State*, 312 A.3d 169, 185 (Del. 2024).

applicable definition limits liability to the person’s conduct that inflicted a single or the final act resulting in death, nor is criminal liability necessarily attributable to only *one* caretaker. A person responsible for a child’s care may commit “neglect” through that person’s own failure to provide necessary care or supervision, or “abuse” through negligent treatment, maltreatment, or mistreatment.⁵⁵ So the jury could find that one Defendant carried out a single or the final act causing the child’s death while also finding that the other Defendant, through his or her own separate acts or omissions amounting to abuse or neglect, also recklessly caused her death.⁵⁶ The General Assembly didn’t adopt a statutory scheme that requires criminal responsibility to rest exclusively with the person who committed a single or the final or most immediate act that resulted in death.⁵⁷

Therein lies the flaw in Defendants’ reliance on their anticipated finger-pointing defenses as a basis for severance.⁵⁸ Those defenses warrant separate trials

⁵⁵ DEL. CODE ANN. tit. 11, § 634(b)(1) (2023); *id.* § 1100(1), (4); *id.* at tit. 10, § 901(18).

⁵⁶ *See, e.g., State v. Layton*, 2017 WL 6205772, at *7–9 (Del. Super. Ct. Dec. 6, 2017). Casey Layton was charged with murder by neglect after her infant son died from injuries allegedly inflicted by the child’s father. *Id.* at *1–4, *7–9. The State’s evidence indicated that she observed signs of serious injury, witnessed the father “slam” the child into a bassinet, and nevertheless failed to seek medical care or otherwise protect the child. *Id.* This Court rejected the suggestion that her status as a “passive parent” placed her beyond the statute’s reach. *Id.* at *7. A parent or other responsible person who knows of a serious danger to a child yet fails to act despite a duty to protect that child may him- or herself engage in neglect within the statute’s meaning. *Id.* at *8–9.

⁵⁷ *Id.* at *7–9.

⁵⁸ *See Kelly v. State*, 1990 WL 84753, at *2 n.5 (Del. May 5, 1990) (“Other courts have stated that antagonistic defenses do not per se require severance when the conflict amounts to mere tattling and fingerprinting. Those courts have held that severance is not required unless the situation is one where the conflict is so prejudicial and the defenses are so irreconcilable that the jury will

only if the jury could reasonably accept the core of one Defendant’s defense only by rejecting the core of the other’s.⁵⁹ Here, the anticipated defenses don’t create that kind of conflict. A finding that one Defendant committed a single or immediate act—even one which the other Defendant says must have been the fatal blow or incident—does not exonerate the other, because the jury may still consider whether the other Defendant’s own conduct or omissions independently satisfy the statutory elements of abuse or neglect, recklessness, and causation.⁶⁰

The current record supports this conclusion. Should matters develop at trial in a manner not presently anticipated, the Parties and Court may need to re-examine the issue.⁶¹ But at this time, the anticipated defenses don’t create any type or degree of prejudice warranting separate trials. And should the need arise under the circumstances suggested here, the Court is satisfied that it can be adequately

unjustifiably infer that *this conflict alone* demonstrates that both are guilty.”) (emphasis in original) (cleaned up); *State v. King*, 1997 WL 127960, at *2 (Del. Super. Ct. Feb. 26, 1997) (explaining, in a case where the defenses were argued to be intolerably antagonistic, and the court found could actually lead to the conviction of “one, both or neither of the two Defendants[,]” that, nonetheless, “the fingerpointing defenses which may be offered are not truly antagonistic.”); *Lloyd*, 249 A.3d at 777 (“The presence of hostility between a defendant and his codefendant or mere inconsistencies in defenses or trial strategies do not require a severance.”) (cleaned up).

⁵⁹ *Anderson*, 249 A.3d at 793; *Bradley*, 559 A.2d at 1241; *Phillips II*, 154 A.3d at 1157; *Phillips I*, 154 A.3d at 1137; *Layton*, 2017 WL 6205772, at *7–11; DEL. CODE ANN. tit. 11, § 634 (2023).

⁶⁰ DEL. CODE ANN. tit. 11, § 634 (2023); *Layton*, 2017 WL 6205772, at *7–11; *El-Abbadi*, 312 A.3d at 185–86 (outlining the elements of 11 Del. C. § 634).

⁶¹ Indeed, when developments at trial reveal mutually antagonistic defenses of the requisite degree, the Court might even be required to order severance *sua sponte*. *Bradley*, 559 A.2d at 1240–42, 1246–47.

addressed through appropriate jury instructions directing the jury to consider the evidence and charges separately as to each defendant.⁶²

2. The remaining severance factors do not support separate trials.

The remaining severance factors also don't support independent trials. Neither Defendant meaningfully argues that severance is necessary because of a co-defendant's extra-judicial statements, an absence of substantial independent evidence, or a difficulty in segregating the State's evidence.⁶³ Still, the Court has independently reviewed those considerations and finds that—currently—the remaining severance factors disfavor severance.⁶⁴

V. CONCLUSION

For these reasons, severance is not warranted under Superior Court Criminal Rule 14. Accordingly, the Motion to Sever is **DENIED**. This ruling is based upon the record presently before the Court and the parties' current representations

⁶² In *Lloyd*, our Supreme Court stated that “even in the presence of a serious risk of prejudice, severance is unnecessary if the prejudice can be cured with a proper jury instruction.” 249 A.3d at 778.

⁶³ See generally Defendants' Motion to Sever.

⁶⁴ As alleged, both Defendants made statements concerning their roles in Amiyah's care, but neither has taken up the argument that admission of those statements would create prejudice warranting severance. Nor have Defendants argued that the State lacks substantial independent evidence as to either Defendant or that any disparity in the evidence would deprive either of a fair trial. Likewise, the Court sees no present basis to conclude that the jury will be unable to compartmentalize the evidence and consider it separately as to Mr. Wise and Ms. Laboy. To the extent any concern arises regarding the proper consideration of particular evidence, the Court is satisfied that such concerns may be addressed through limiting instructions and other appropriate safeguards at trial. See *Lloyd*, 249 A.3d at 778; see generally *State v. Benson*, 2015 WL 3539358, at *2–3 (Del. Super. Ct. June 1, 2015) (holding similarly to the Court, here).

regarding the evidence and defenses expected at trial.

IT IS SO ORDERED.

/s/ Paul R. Wallace

Paul R. Wallace, Judge

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