

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

CRAIG A. KARSNITZ,  
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE  
1 THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947  
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August 21, 2026

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Re: *State of Delaware v. Andre Cannon*, Cr. No. 2505009483  
Defendant's Motion for Reargument

Counsel:

**Factual Background**

On May 19th, 2205, Detective Vincent saw a black 2020 Nissan Altima bearing Maryland temporary registration T2254397. The Nissan Altima had a cracked windshield. The crack was located on the righthand passenger side of the

windshield. A screenshot from Detective Vincent's body-worn camera was entered as evidence during the suppression hearing. Detective Vincent made a traffic stop based on the cracked windshield.

As Detective Vincent approached the vehicle, he saw Andre Cannon (“Defendant”) making movements toward the back seat and rear floorboard. Detective Vincent observed a spilled drink on the back seat and Defendant tossing clothing toward the left side of the rear floorboard. Defendant did not lower the window, so Detective Vincent opened the passenger door and asked what Defendant was searching for. Defendant said he was looking for his paperwork. Detective Vincent instructed Defendant to stop reaching around inside the vehicle. When Detective Vincent asked for license and insurance, Defendant provided insurance but did not have a license. Detective Vincent informed Defendant that he pulled Defendant over because of the crack in his windshield. Defendant acknowledged the crack in his windshield, indicating prior knowledge of the crack. During this interaction, Detective Vincent observed plastic baggies in the front passenger door compartment. The officers on scene ultimately searched Defendant's person and vehicle and found the evidence that supports the charges against the Defendant, and which Defendant seeks to have suppressed.

## **Procedural Background**

On April 29, 2026, Defendant filed a Motion to Suppress the evidence found, arguing that there was no reasonable articulable suspicion to stop the vehicle because the condition of the windshield did not violate any Delaware statute. The State filed its Response on June 1, 2026. I held a suppression hearing on July 28, 2026. Detective Vincent was the only witness at the hearing. I denied the Motion to Suppress from the bench.

On August 4, 2026, Defendant filed a Motion for Reargument under Delaware Civil Rule 59(e).<sup>1</sup> The State filed its Response on August 19, 2026. This is my ruling on the Motion for Reargument.

## **Legal Standard**

A motion for reargument will be granted only under limited circumstances. The court must have "overlooked a controlling precedent or legal principles, or the court has misapprehended the law or facts such as would have changed the outcome of the underlying decision."<sup>2</sup> The purpose of such a motion is "to request that the

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<sup>1</sup> The Delaware Criminal Rules do not contain a rule regarding reargument; therefore, I look to the Civil Rules for guidance.

<sup>2</sup> *State v. Brinkley*, 132 A.3d 839 (Del. 2016).

trial court reconsider whether it overlooked applicable legal precedent or misapprehended the law or facts in such a way as to affect the outcome of the case."<sup>3</sup>

A motion for reargument "should not be a vehicle for one party who was unhappy with the court's ruling to simply rehash the arguments already heard and decided by the court."<sup>4</sup> Additionally, "a motion for reargument [cannot] be used to introduce new evidence and/or new arguments which could have been, but were not submitted at trial."<sup>5</sup> The motion is "not designed to accommodate a reargument of matters which were previously considered and determined."<sup>6</sup>

I have carefully reviewed the Motion and the attachments thereto. Under the above-referenced standards, I find no reason to grant reargument or to hold another suppression hearing. I see nothing that such a hearing would produce other than information which is already on the record.

### **The Merits**

Defendant moves for reargument based on (1) a lack of reasonable articulable suspicion for the stop, (2) the unconstitutional vagueness of 21 *Del. C.* §4313(a),<sup>7</sup> and (3) the unconstitutional vagueness of 21 *Del. C.* §2144.<sup>8</sup> The parties spent much

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<sup>3</sup> *Benge v. State*, 101 A.3d 973 (Del. 2014).

<sup>4</sup> *Martin v. Martin*, 857 A.2d 1037 (Del. 2004).

<sup>5</sup> *Id.*

<sup>6</sup> *Merrill Lynch Pierce Fenner & Smith, Inc v. Sun K. Shin*, Not Reported in A.2d (1984).

<sup>7</sup> This statute incorporates by reference the provisions of the Federal Motor Vehicle Safety Standard 205 in effect at the time of a windshield's manufacture under 49 CFR 571.205.S2.

<sup>8</sup> This statute permits a police officer, upon reasonable cause, to stop a vehicle to investigate a possible equipment defect. It is a misdemeanor under 21 *Del. C.* §4355(a) for "any person to drive

time during the suppression hearing and in their briefs on the Motion for Reargument arguing the nuances of these State and Federal statutes and regulations and whether they provided Detective Vincent with reasonable articulable suspicion to stop Defendant's vehicle. However, I find it unnecessary for purposes of this ruling to rehash the discussion of reasonable articulable suspicion under Delaware law, or the strengths and infirmities of the above-referenced statutes.

As I stated during my ruling denying the Motion to Suppress at the suppression hearing, in my view Detective Vincent had the authority to make a judgment and determination as to whether there was reasonable cause to believe that the vehicle was unsafe.<sup>9</sup> I asked the Detective specifically about this to determine if this was just a pretext for stopping and searching the vehicle, and in my view it was not pretextual.

Wholly apart from the statutes, Delaware case law has long recognized the community caretaking function of the police. The Delaware Supreme Court officially adopted the community caretaking doctrine in *Williams v. State*,<sup>10</sup> establishing that the role of police in Delaware is not limited to merely the detection

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or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person." Additionally, it is unlawful under 21 *Del. C.* §2115(6) to "[d]rive or move or, being the owner, cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person."

<sup>9</sup> See Transcript of Suppression Hearing, at p. 69, lines 8 – 20.

<sup>10</sup> 962 A.2d 210 (Del. 2008).

and prevention of criminal activity, but also encompasses a non-investigative, non-criminal role to ensure the safety and welfare of citizens. In *State v. Negron*,<sup>11</sup> this Court reiterated the Supreme Court's three-part test, which requires: (1) objective, specific, and articulable facts from which an experienced officer would suspect that a citizen is in apparent peril, distress, or need of assistance; (2) if the citizen is in need of aid, the officer may take appropriate action to render assistance or mitigate the peril; and (3) once the officer is assured that the citizen is not in peril or is no longer in need of assistance, the caretaking function is over and any further detention constitutes an unreasonable seizure unless the officer has a warrant or some other exception to the warrant requirement applies.

In *West v. State*,<sup>12</sup> this Court held that a seizure is a seizure regardless of whether the person seized was driving in a car at the time, and that if the community caretaker doctrine may constitutionally be applied as an exception to the warrant requirement when one's person is seized, it may equally be applied when that person is driving in a car. Similarly, in *State v. McDowell*,<sup>13</sup> this Court found that a police officer's observation of a disabled vehicle interfering with traffic on a busy highway, combined with a bystander's report that the car had run out of gas and the defendant wandering near moving traffic, constituted the objective, specific, and articulable

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<sup>11</sup> 2012 WL 2833004 (Del. Super. June 28, 2012).

<sup>12</sup> 2015 WL 5121059 (Del. Super. Aug. 20, 2015).

<sup>13</sup> 2016 WL 6462143 (Del. Super. Oct. 31, 2016).

facts necessary to justify a community caretaking stop.

In my view, on the facts of this case, any reasonable police officer would have had objective, specific, and articulable reasons to stop a vehicle with a cracked window under the community caretaking doctrine.

### **Conclusion**

For the reasons stated above, the Motion for Reargument **is DENIED.**

**IT IS SO ORDERED.**

Very truly yours,

/s/ Craig A. Karsnitz  
Craig A. Karsnitz

cc: Prothonotary