

ERIC DICKERSON, :
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 Plaintiff, :
 : C.A. No. K25C-07-022 JJC
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 v. :
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 TOWN OF SMYRNA, CHIEF :
 OF POLICE OF THE TOWN :
 OF SMYRNA, and OFFICER :
 DEFENDANTS A-J, :
 :
 :
 Defendants. :

ORDER

1. The facts recited in this decision are confined to those placed in the summary judgment record and are considered in the light most favorable to Plaintiff Eric Dickerson. On September 3, 2023, Officer Hosfelt from the Smyrna Police Department observed Mr. Dickerson, riding his Suzuki Hayabusa motorcycle in town.¹ Mr. Dickerson's license plate was bent upwards and was not visible.² He pulled into a parking lot near the Advanced Auto Parts next to the Royal Farms in

² *Id.*

North Smyrna.³ There, Mr. Dickerson began working on his motorcycle due to an apparent oil leak.⁴ Officer Hosfelt then approached Mr. Dickerson and confronted him about the license plate.⁵

2. Mr. Dickerson failed to produce his driver's license, registration, or proof of insurance upon request.⁶ The entire exchange is shown on an officer's bodycam video. The audio and video demonstrate Officer Hosfelt's CJIS check regarding the motorcycle's license plate and VIN number which did not come back to Mr. Dickerson.⁷ Rather, the license plate was registered to a Yamaha XVS motorcycle which was a different make and model than Mr. Dickerson's vehicle.⁸ Other officers arrived on the scene. They repeatedly instructed Mr. Dickerson to dismount his motorcycle but Mr. Dickerson refused.⁹ The officers, as a group, then attempted to remove him.¹⁰ The bodycam video then shows an awkward, but *non*-intense, tussle.¹¹ They were somewhat successful in doing so but the motorcycle fell on Mr. Dickerson's leg as he fought to stop them. As a result, Mr. Dickerson alleges significant injuries.¹²

3. Presently, Mr. Dickerson sues Smyrna for a variety of civil rights, constitutional, and tort claims. His claims fall into three general categories, and he brings under the first two categories using 42 U.S.C. § 1983. First, he raises multiple claims because he alleges Smyrna violated his constitutional rights by confronting

³ D.I. 12 at 2.

⁴ Am. Compl. ¶ 12 (D.I. 37).

⁵ D.I. 12 at 2.

⁶ See D.I. 60, Ex. K at 1:00–1:10 (body-camera footage from Officer Russillo, a responding officer, depicting the events) [hereinafter Russillo Body Camera Footage].

⁷ *Id.* at 6:06–8:15.

⁸ *Id.* at 8:15–8:20; D.I. 60, Ex. J at 10:19–11:00 (rear-seat camera footage, depicting Mr. Dickerson detained in the back-seat of a patrol car, and his conversations with officers during his detention).

⁹ Russillo Body Camera Footage at 8:20–8:36.

¹⁰ *Id.* at 8:36–9:48.

¹¹ *Id.* at 9:21–9:40.

¹² D.I. 63, Exs. S–U.

him and seizing him without justification. Second, he contends that Smyrna violated his civil rights by using excessive force when the officers removed him from his motorcycle. Third, he contends that Smyrna developed and implemented policies and procedures that incentivized the officers to violate his civil rights.

4. Smyrna responded with a motion to dismiss Mr. Dickerson's complaint.¹³ He then filed an amended complaint,¹⁴ and Smyrna renewed its motion to dismiss.¹⁵ Both parties relied on materials outside the pleadings in their filings, however.¹⁶ As a result, the Court converted Smyrna's motion to dismiss to one for summary judgment under Superior Court Civil Rule 12(b).¹⁷ At oral argument, the Court deferred to the parties when setting the time necessary for them to develop and present further evidence in support of their respective positions. The parties agreed to expedited discovery and Mr. Dickerson and Smyrna stipulated that sixty days would be sufficient.

5. Under Superior Court Civil Rule 56, the Court must view the evidence in the light most favorable to the non-moving party.¹⁸ When doing so, summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show there is genuine issue as to a material fact and the moving party is entitled to a judgment as a matter of law."¹⁹ Once the moving party has met its burden, the nonmoving party must

¹³ D.I. 1, 7.

¹⁴ D.I. 37.

¹⁵ D.I. 38.

¹⁶ D.I. 44.

¹⁷ *Id.*; See Super. Ct. Civ. R. 12(b) (providing that if, in a motion under Rule 12(b)(6), "matters outside the pleadings are presented to and not excluded by the Court, the motion shall be treated as one for summary judgment and . . . all parties shall be given reasonable opportunity to present all material made pertinent to such a motion . . .").

¹⁸ *Health Sols. Network, LLC v. Grigorov*, 12 A.3d 1154, 2011 WL 443996, at *1 (Del. Feb. 9, 2011) (ORDER).

¹⁹ Super. Ct. Civ. R. 56(c).

demonstrate “specific facts showing that there is a genuine issue for trial.”²⁰ For the reasons that follow, summary judgment is appropriate regarding all of Mr. Dickerson’s claims because Smyrna meets its initial burden on summary judgment as to each and Mr. Dickerson identifies no material facts in dispute.²¹

6. Mr. Dickerson’s challenge to his detention under the Fourth Amendment is central—and dispositive—to several claims. He claims that the Smyrna officers lacked reasonable suspicion that he committed a crime, which in turn, left them no justification to stop or detain him.²² The touchstone of any Fourth Amendment inquiry is reasonableness.²³ To assess reasonableness under the Fourth Amendment, the Court must weigh the public interest and individual interests implicated by the intrusion and strike a balance.²⁴

7. Police are justified in stopping and detaining a motor vehicle driver if there is reasonable articulable suspicion that the driver committed a motor vehicle violation.²⁵ When officers effectuate a lawful stop, they may order the driver and any passengers out of the vehicle.²⁶ The intrusion when requiring them to exit their vehicle is deemed “*de minimis*” in relation to concerns for officer safety which is

²⁰ *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986).

²¹ Smyrna mistakenly contends they are immune from tort liability under the State Tort Claims Act. Any provision within the Delaware Code that would immunize Defendants from tort liability would fall under the Delaware County and Municipal Tort Claims Act, 10 *Del. C.* ch. 40, subchap. II. Here, the Court declines to address the issue of municipal tort liability out of expediency because the evidence so clearly fails to support reasonable inferences regarding key elements of Mr. Dickerson’s claims.

²² Am. Compl. ¶ 40.

²³ *Terry v. Ohio*, 392 U.S. 1, 19 (1968).

²⁴ *Pennsylvania v. Mimms*, 434 U.S. 106, 109 (1977); *see also Backus v. State*, 202 A.3d 1126, 2019 WL 327963, at *2 (Del. Jan. 23, 2019) (ORDER).

²⁵ *Juliano v. State*, 254 A.3d 369, 387 (Del. 2020).

²⁶ *Mimms*, 434 U.S. at 108; *Maryland v. Wilson*, 519 U.S. 408, 413 (extending *Mimms* to include passengers of the vehicle); *Davis v. State*, 346 A.3d 1121, 2023 WL 7382873, at *3 (Del. Nov. 8, 2023) (ORDER) (reiterating that Delaware courts have consistently applied *Mimms* when recognizing that a police officer who has reasonable suspicion to suspect a motor vehicle violation can order the driver to exit his or her vehicle).

“both legitimate and weighty.”²⁷ Moreover, there is no logical difference between a lawful order directing a driver to step out of a vehicle versus directing a rider to dismount a motorcycle.

8. In this case, the record conclusively demonstrates that Officer Hosfelt confronted Mr. Dickerson after he witnessed Mr. Dickerson committing a traffic violation for failing to display a visible license plate on his motorcycle. Thus, Mr. Dickerson violated 21 *Del. C.* § 2126 which required him to position the plate on his motorcycle where it was “clearly visible.” In addition, the plate he displayed belonged to another vehicle. Consequently, he violated 21 *Del. C.* § 2115(2) by displaying a fictitious plate. The officer’s observation of these violations justified the initial detention. In fact, these uncontroverted violations provided the probable cause necessary to arrest him for both offenses.

9. Mr. Dickerson responds with no evidence to dispute that he committed these infractions. In fact, the documents he submits demonstrate that he operated his motorcycle unregistered and had no insurance in effect when doing so. The totality of the record, viewed in the light most favorable to Mr. Dickerson, permits only one logical conclusion – the Smyrna police lawfully stopped Mr. Dickerson, detained him, and lawfully ordered him to step off his motorcycle.²⁸ The police were then justified in enforcing their order with reasonable force when he refused. As such, neither the initial detainment nor the order violated Mr. Dickerson’s constitutional

²⁷ *Mimms*, 434 U.S. at 110–11.

²⁸ Mr. Dickerson also contends that his detention violated Article I, § 6 of the Delaware Constitution. Article I, § 6 is Delaware’s analogue to the Fourth Amendment which offers broader protections under certain discrete circumstances. *See Juliano*, 254 A.3d at 372. The Delaware Supreme Court, however, has expressly rejected Mr. Lopez’s claim that Article I, §6 provides greater protection in this context. *Loper v. State*, 8 A.3d 1169, 1174 (Del. 2010).

rights. Consequently, summary judgment on behalf of Smyrna regarding all claims alleging an unlawful detention and arrest is appropriate.²⁹

10. Mr. Dickerson’s excessive force claim also fails because no reasonable jury could conclude that the police used unreasonable force in this case. Excessive force claims during detainments and arrests are analyzed under a Fourth Amendment reasonableness standard.³⁰ The reasonableness of the force used by officers when making an arrest, investigatory stop, or other seizure of a person is a fact-specific inquiry that must be evaluated objectively.³¹ Courts must keep in mind, however, that police officers must make quick, split-second decisions about the appropriate level of force for a given situation.³² Factors that guide the Court’s determination are (1) the severity of the crime, (2) whether there was an immediate threat to the safety of officers, and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.³³

11. In this case, the officers’ body camera footage—the only record evidence available on the issue—could support no reasonable jury finding that the Smyrna police exerted unreasonable force.³⁴ To that end, the officers repeatedly asked, and then ordered, Mr. Dickerson to step off his motorcycle.³⁵ He consistently refused, and then resisted, the lawful orders.³⁶ The officers then attempted to remove him from his motorcycle.³⁷ The video shows the motorcycle fall on Mr. Dickerson’s leg because *he* continued to scuffle with the police rather than simply comply with their

²⁹ These include Mr. Dickerson’s allegations of false arrest, false imprisonment, and other detention-related constitutional claims.

³⁰ *Graham v. Connor*, 490 U.S. 386, 388 (1989).

³¹ *Id.* at 397.

³² *Id.*

³³ *Id.* at 396.

³⁴ Russillo Body Camera Footage.

³⁵ *Id.* at 8:20–8:36.

³⁶ *Id.* at 8:20–9:48.

³⁷ *Id.*

direction and step off the bike. No officer struck him or took any action designed to harm him at any point in the exchange. For his part, Mr. Dickerson cites no facts or evidence to refute what is shown and heard on the video – a scuffle and a motorcycle that tipped over because he refused to comply with lawful police orders. In sum, no reasonable jury could find that the police used unreasonable force on this record.³⁸

12. Finally, Mr. Dickerson fails to identify facts of record to support his 42 U.S.C. § 1983 claim brought under *Monell v. Dep't of Soc. Servs. of City of New York*.³⁹ A *Monell* claim provides for potential liability of a governmental body whose customs or practices authorize, encourage, or permit violations of citizens' constitutional rights.⁴⁰ Mr. Dickerson bears the burden to identify at least some facts to support the claim that Smyrna had such an official policy or custom. Here, the record is devoid of likely admissible evidence, either direct or circumstantial, that could support an inference that Smyrna had any such policy or custom. As a result, summary judgment is appropriate on his *Monell* claim as well.

WHEREFORE, for the reasons stated above, Smyrna's motion for summary judgment is **GRANTED**.

IT IS SO ORDERED.

/s/Jeffrey J Clark
Resident Judge

³⁸ Mr. Dickerson's battery claim also fails on summary judgment based on these facts because the reasonable, and minimal, force used was justified.

³⁹ 436 U.S. 658 (1978).

⁴⁰ *Murphy v. Walters*, 2025 WL 3162346, at *4 (Del. Super. Nov. 12, 2025).