IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
	)	I.D. No. 2506008056
v.	)	
	)	
ERICA WILLIAMS,	)	
	)	
Defendant.		

Submitted: November 6, 2026
Decided: November 10, 2026

On Defendant Erica Williams Motion to Suppress: Denied.

Erica Williams moves to suppress her extended detention during a traffic stop as unsupported by reasonable suspicion and her on-scene arrest as unsupported by probable cause. Williams seeks suppression of the results of her Intoxilizer test as a remedy for these alleged Constitutional violations. Final case review is scheduled for November 16, 2026.

Factual Background

Trooper Gallo of Delaware State Police testified on behalf of the State. Trooper Gallo received training from the police academy on driving under the influence ("DUI") investigations and has worked with the Delaware State Police for six years. The State submitted a Mobile Video Recording ("MVR") and Body-Worn Camera ("BWC") related to this incident. Trooper Gallo testified he was stationary on June 14, 2025 when he saw Williams' vehicle approach, without its lights on,

from his rear or side view mirror. The MVR does not depict this observation because it is attached to the front of his car.

For a stretch of time on the MVR, Ms. Williams' vehicle is in the distance. Trooper Gallo testified her vehicle crossed both the center line and into the shoulder. The Court made its own observation from the video and also saw a drift toward the lines. It was not clear if the vehicle passed over those lines or ran along them. Eventually, Trooper Gallo caught up with the vehicle as it turned into a neighborhood, without using a turn signal. It is undisputed that this final traffic offense warranted Trooper Gallo's initial stop of the vehicle.

After the car stopped, the BWC showed Trooper Gallo telling Ms. Williams her lights were off, and she then turned them on. She was pleasant and polite. But her demeanor suggested she was overwhelmed. For example, when Trooper Gallo asked where she was coming from, she replied she was traveling from Dover to Newark. That statement was inconsistent with her direction of travel. She advised she was running out of gas. At one point, she stated she was looking for a gas station but at another, she stated someone was bringing her gas. She appeared exasperated by her passenger. She had multiple identifications but no driver's license.

Trooper Gallo's testified that he detected an odor of alcohol. The Court could see her eyes were somewhat glassy on the BWC. When asked if she had been drinking that day, Ms. Williams admitted drinking earlier.

To be clear, there is a challenge to the extension of her traffic stop, therefore it is important for the Court to limit its initial analysis to her statement prior to being asked to exit—which is an admission to drinking, but it is noted that she gave different statements later. She completed the alphabet test successfully but went too far while counting backwards. She proffered, "I'm not drunk. I know what you're trying to do." Trooper Gallo asked her to step outside the vehicle.

What took place next is significant for assessment of the later-administered PBT. Trooper Gallo asked Ms. Williams to stand at the back of her car. He then entered his own car, which was directly behind and facing her. He left the door of his car ajar. He backed up the patrol car. He appeared to run an inquiry on his computer and turned off the overhead lights. Trooper Gallo testified he left the door ajar intentionally, so that he could continue his observation of Ms. Williams. When Trooper Gallo reapproached Ms. Williams, she was on the phone with a third party. He asked her to end the call and began to administer standardized field sobriety tests.

Standardized Field Sobriety Tests

During the administration of the HGN, Ms. Williams had consistent difficulty keeping her head straight, despite multiple corrections. During the first pass, she turned her head entirely. Trooper Gallo reminded her to keep her head straight. She again moved her head. He again reminded her, but she again moved her head and asked if she could call her father, who lived nearby. She had to be reminded a few

more times but ultimately was able to sufficiently comply. Trooper Gallo testified regarding his administration of the test and notation of six clues. He did not provide testimony regarding any specific statistical correlation between his observation and impairment. Instead, he described his observation as indicative of a level of impairment. After the HGN test, Trooper Gallo asked when she had her last drink. She responded she drank the day before, which was inconsistent with her prior statement. She again asked to call her dad.

Trooper Gallo asked if she was fine with doing additional tests and she said yes. But she immediately advised she was bow-legged. Trooper Gallo responded he too was bow-legged. On the BWC, he did not initially inquire further as to its cause or potential impact on her ability to do the walk and turn test, which requires walking heel to toe, in a straight line. It is the State's burden on a warrantless arrest, and the record is silent as to what the term bow-legged meant to Trooper Gallo or Ms. Williams. Therefore, the Court will not consider her physical performance on the Walk and Turn test. While the Court disregards her physical performance, cognitively, Ms. Williams had difficulty counting from one to nine.

Trooper Gallo did engage in clarification on her physical limitation as to the One-Leg Stand test. He asked if, despite her issue, if she could lift one leg. He then explained the test and demonstrated. Ms. Williams noted no concern and proceeded to try. Therefore, the Court will consider this test. Ms. Williams did not raise her

leg and instead rested her heel on the pavement. After a few attempts, she made an unprompted statement that she was "just failing."

Shortly thereafter, Ms. Williams made another phone call, while in the middle of the administration of the PBT test. Immediately after she provided a sample, she told the person on the phone that she drank. The State produced evidence that the PBT machine had been calibrated two weeks before and again, right after her arrest that night. Trooper Gallo testified regarding how the PBT is calibrated.

As for the 15-minute observation period, Trooper Gallo was questioned on cross examination about whether he was fully able to observe Ms. Williams once he returned to his vehicle to ensure she did not drink, chew gum, spit, or belch. Trooper Gallo testified he could hear Ms. Williams talking on the phone as part of his continued observation.

Parties' Contentions

Ms. Williams concedes she was initially stopped legally, though she disputes two of the three alleged traffic offenses cited by the officer and asks this Court to give them minimal weight as to reasonable suspicion or probable cause for impaired driving. Next, Ms. Williams challenges the extension of her traffic stop as being unsupported by reasonable, articulable suspicion. Finally, she challenges each of the field tests and the PBT administration. The State, not surprisingly, argues the facts

of this case follow Delaware precedent and meet the required legal standards of each step in the interaction.

Legal Standards

Both reasonable articulable suspicion and probable cause are considered under a totality of the circumstances framework.[1] Starting with reasonable articulable suspicion: an individual is seized when they are stopped in connection with a traffic violation.[2] This Court assesses reasonable articulable suspicion "as viewed through the eyes of a reasonable, trained police officer in the same or similar circumstances, combining objective facts with such an officer's subjective interpretation of those facts."[3] "The duration and execution of a traffic stop is necessarily limited by the initial purpose of the stop."[4] Investigation by law enforcement beyond the initial traffic stop is a separate seizure, which requires factual support to "justify the additional intrusion."[5]

"An arrest 'requires probable cause that the suspect has committed a crime.'"[6] "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

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[1] *Lefebvre v. State*, 19 A.3d 287, 295 (Del. 2011); *Jones v. State*, 745 A.2d 856, 861 (Del. 1999).
[2] *Houston v. State*, 251 A.3d 102, 108–09 (Del. 2021); *Caldwell v. State*, 780 A.2d 1037, 1045–46 (Del. 2001).
[3] *Jones*, 745 A.2d at 861 (citations omitted).
[4] *Caldwell v. State,* 780 A.2d 1037, 1047 (Del. 2001).
[5] *Id.* at 1050.
[6] *Swanson v. State*, 351 A.3d 496, 514–15 (Del. 2025) (citations omitted) *quoting Flowers v. State*, 195 A.3d 18, 24 (Del. 2018).

ha[s] been committed."[7] The State bears the burden of proof when a warrantless arrest is challenged.[8] Delaware courts have considered probable cause to arrest for driving under the influence in various factual scenarios, because each case is unique.

A traffic violation coupled with the odor of alcohol is insufficient to establish probable cause; more is required.[9] In *Bease*, the Delaware Supreme Court determined rapid speech, odor of alcohol, admission to drinking the night before, bloodshot and glassy eyes, and a moving violation established probable cause.[10] In *Lefebvre*, a case with unique factual circumstances,[11] the Supreme Court clarified "[t]hat hypothetically innocent explanations may exist for facts learned during an investigation does not preclude a finding of probable cause."[12] More recently, the Supreme Court held that "speeding, failing to pull over, bloodshot and glassy eyes, an admission to drinking coupled with a smell of alcohol emanating from [the defendant] and the vehicle, mumbled speech, and a refusal to perform field sobriety

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[7] *Lefebvre*, 19 A.3d at 292 (alterations in original) *quoting Clendaniel v. Voshell*, 562 A.2d 1167, 1170 (Del. 1989).
[8] *Hunter v. State*, 783 A.2d 558, 560 (Del. 2001) (citations omitted); *State v. Adams*, 13 A.3d 1162, 1166 (Del. Super. Ct. 2008) (citations omitted).
[9] *Lefebvre*, 19 A.3d at 293 (citation omitted).
[10] *Bease v. State*, 884 A.2d 495, 499–500 (Del. 2005).
[11] Lefebvre's counsel conceded there was probable cause to arrest her before field tests were administered. *Lefebvre*, 19 A.3d at 293. She passed the field tests—but the Court ruled favorable results on field tests are "of insufficient evidentiary weight to eliminate *probable cause* that had already been established by the totality of the circumstances before the performance of the field sobriety tests." *Id.* at 294, 295 (emphasis in original).
[12] *Id.* at 293 (citation omitted).

tests" was sufficient to establish probable cause to arrest for driving under the influence.[13]

Analysis

As Ms. Williams does not challenge her initial stop for failing to signal, the Court will begin its analysis with the extension of her detention, prior to being asked to exit. The Court finds there was factual support to justify the additional intrusion. Putting aside any moving violations, Ms. Williams was overwhelmed and confused. At the outset, she provided inconsistent statements about whether she was looking for a gas station, or someone was coming to bring her gas. She gave inconsistent statements about her direction of travel. At the hearing, there was some questioning that suggested innocent explanations for her confusion, but officers need not discount indicators of impairment because of hypothetically innocent explanations.

Beyond her demeanor, her eyes were glassy. The officer detected an odor of alcohol. She admitted to drinking earlier. That is sufficient factual information to extend the duration of the stop and inquire further about her ability to safely drive. This Court finds the facts known to the officer were sufficient to ask Ms. Williams to step out of the car.[14]

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[13] *Bowie v. State*, 307 A.3d 327, at *2 (Del. 2023) (citations omitted).
[14] Ms. Williams successfully completed the alphabet test but counted too far on the number inquiry. This mixed result can be considered under *Bease v. State*, but is not necessary given what was known to the officer at the time for extending the duration of the stop.

As to probable cause, the Court finds it significant that Ms. Williams had significant difficulty keeping her head straight during the HGN administration. After some time, she was able to comply, and Trooper Gallo noted six clues on this test. While there was no statistical testimony as seen in other cases, there was testimony from Trooper Gallo that he has been trained this is an indicator of impairment. The State did not meet its burden in establishing that Ms. Williams was physically able to conduct the Walk and Turn test—but observation of her inability to count from one to nine also suggests impairment. As for the One Leg Stand test, she was specifically asked if she could do the test—and she tried. But her performance was another indicator of impairment as she merely rested her heel on the pavement.

The Court finds Trooper Gallo took steps to ensure he could maintain attention on Ms. Williams as a foundation for PBT administration. This Court, in connection with a challenge to the 20-minute observation period for the Intoxilizer administration has noted "numerous other jurisdictions have held that an officer need not 'stare fixedly' at a suspect or satisfy an 'eyeball-to-eyeball' rule throughout the observation period…"[15] Here, Trooper Gallo moved the car and conducted a computer check, but kept Ms. Williams within his line of sight. He kept the door to his car open so that he could hear. Her telephone conversation would make it easier for him to hear if she drank, chewed gum, spit, or belched. His testimony that he

[15] *Webb-Buckingham v. State*, 2009 WL 147020 *4 (Del. Super.).

could hear her talking on the phone is supported by the BWC footage as she is still on the phone when he reapproaches. After considering the testimony and viewing the recording, the Court is satisfied that the 15-minute observation period was properly observed. Thus, the PBT result will be considered and is another factor in the totality of the circumstances establishing probable cause.

In sum, there was confusion and inconsistency in Ms. Williams' responses to questions, an admission to drinking (again with inconsistent responses), glassy eyes, an odor of alcohol, an inability to keep her head straight despite repeated correction, an indicator of impairment based on the result of the HGN, an indicator of impairment on the One Leg Stand, and a failed PBT. Even if this Court did not consider her difficulty in counting from one to nine on the Walk and Turn test, there is sufficient factual information based on the totality of the circumstances to establish probable cause. For the forgoing reasons, the Motion to Suppress is DENIED.

IT IS SO ORDERED.

/s/Sonia Augusthy
Judge Sonia Augusthy