IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDWARD D. MARTIN,	§	
	§	
Defendant Below,	§	No. 121, 2025
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware
	§	
STATE OF DELAWARE,	§	Cr. ID No. 2202010805 (S)
	§	
Appellee.	§	
	§	

Submitted: September 30, 2026
Decided: November 12, 2026

Before **SEITZ**, Chief Justice; **LEGROW** and **ZURN**, Justices.

ORDER

The Court, having considered the briefs and the record below, and after oral argument, rules as follows:

(1) Edward Martin shot and killed Arrick Richards at Coastal Taproom, a bar in Sussex County, Delaware. The State charged Martin with first-degree murder, reckless endangering, and related gun charges. A Superior Court jury convicted Martin of the lesser-included offense of second-degree murder and the remaining charges. The court sentenced Martin to 55 years of Level V incarceration.

(2) Martin appeals his convictions, arguing that the Superior Court erred by declining to give a self-defense instruction when, according to Martin, he presented credible evidence supporting the defense. He also argues that denying his

self-defense instruction deprived him of his right to a fair trial under the Due Process Clause of the Fourteenth Amendment. We affirm.

(3) On February 19, 2022, Martin and his wife, Christie Martin, arrived at Coastal Taproom. After midnight, Richards, his wife Laci Richards, and his mother-in-law met friends at Coastal Taproom. Coastal Taproom's surveillance camera captured the altercation between Martin and Richards.[1]

(4) Richards and his friend, Rico Stringfellow, placed quarters on the pool table where Martin and his wife were playing, signaling their intent to play next. Martin and Richards first spoke to each other from opposite sides of the pool table. Stringfellow testified that he recalled Richards remarking to Martin's wife that she must be good at pool because both she and Martin brought their own sticks and gloves.[2]

(5) Laci approached Richards to tell him she was ready to leave. She witnessed "a little bit of an argument going on."[3] Laci overheard Richards tell Martin that he'd better make his shot because he had a fancy pool stick.[4] Martin

[1] App. to Answering Br. at 267 [hereinafter B_] (Coastal Taproom Surveillance Video).

[2] App. to Opening Br. at A84 [hereinafter A_] (Trial Transcript).

[3] B19 (Trial Transcript).

[4] *Id.* A79.

responded, "What if I don't, am I [a] bitch?" to which Richards replied, "Yeah, you're a bitch."[5]

(6) Laci, believing Richards was following her, walked toward the exit. Richards and Martin remained by the bar, continuing to argue. Christie stood between them. Stringfellow stepped between the two men to mediate the conflict.[6] Martin moved toward Richards, who stepped back toward the bar. Martin then put his hand in his front pocket where he kept his gun.[7] Laci returned to where the two men were arguing.[8]

(7) Christie, Stringfellow, Laci, and Ray Katalenas, another bar patron, were standing between Martin and Richards when Martin pulled out his gun and held it on top of the pool table.[9] Within seconds, Martin reached over his wife and fired his gun past the people standing between him and Richards, striking Richards

[5] A79, 315; B20, 47.

[6] B42–43, 48.

[7] B267, at 1:56:33 (Coastal Taproom Surveillance Video).

[8] *Id.* at 1:56:36.

[9] *Id.* at 1:56:40.

in the chest.[10] Stringfellow testified that Martin said, "Now tell me what to do."[11] The entire altercation unfolded in a few minutes.

(8) After shooting Richards, Martin returned the gun to his pocket and left the bar. His wife joined him shortly afterward. The police arrived at the taproom within two to three minutes of the shooting. Officers observed a bar patron performing CPR on Richards, who appeared "lifeless on the ground."[12] An ambulance took Richards to the emergency room where he was pronounced dead. A forensic pathologist determined that Richards' cause of death was a gunshot wound to the chest, and his manner of death was homicide.

(9) The police arrested Martin that night. A grand jury indicted Martin for first-degree murder, four counts of first-degree reckless endangering, five counts of possession of a firearm during the commission of a felony ("PFDCF"), and one count of carrying a concealed deadly weapon ("CCDW").

(10) Martin testified at trial. He claimed that he shot Richards because he believed Richards had a gun and was about to use it.[13] He testified that, upon

[10] *Id.* at 1:56:44; B56, 72–73, 229, 259 (Trial Transcript).

[11] B73.

[12] B82–83.

[13] A285 (Trial Transcript).

viewing the surveillance video, he discovered Richards had not been armed, and he had to accept the fact that he shot an unarmed man.[14]

(11) While reviewing the footage, Martin eventually noticed that Mackenson Jean-Francois, or "Mac," another bar patron who had been communicating with Richards, was armed.[15] Martin testified, "[I]f Mac's gun was the only gun there, then I saw Mac's gun."[16] On cross-examination, Martin testified that Mac "showed" him a gun but did not threaten him with it.[17]

(12) Three experts testified in Martin's defense. Ricardo Torres, Jr., a retired Delaware State Police officer, testified about the use of force by civilians. Dr. Robert Stanulis and Dr. Robert Thompson, both forensic psychologists, testified that Martin reasonably believed he was in danger and acted under extreme emotional distress when he shot and killed Richards.

(13) Before deliberations, Martin requested that the Superior Court instruct the jury on self-defense.[18] The Superior Court denied the request, finding that the evidence Martin presented did not meet the self-defense elements under 11 *Del. C.*

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[14] A286–87.

[15] A287.

[16] A317.

[17] A331.

[18] A438–39.

§ 464(c).[19] The court concluded that Martin did not show that he reasonably perceived a threat of imminent bodily harm.[20]

(14) After a ten-day trial, the jury found Martin not guilty of first-degree murder, guilty of second-degree murder, and guilty on all remaining charges. On March 7, 2025, the Superior Court sentenced Martin to 55 years at Level V with credit for time served.

(15) Martin raises two issues on appeal. First, he argues that the Superior Court erred when it declined his request for a jury instruction on self-defense. Second, he argues that by denying his request, the Superior Court violated Martin's right to a fair trial under the Due Process Clause of the Fourteenth Amendment. We review the Superior Court's denial of Martin's requested jury instruction *de novo*.[21]

(16) Delaware recognizes the affirmative defense of justification, or "self-defense." Under 11 *Del. C.* § 464(c), the use of deadly force is justifiable "if the defendant reasonably believes that such force is necessary to protect the defendant

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[19] A440–44.

[20] A441–42 ("I noted that the defendant's own expert, Ricardo Torres, when asked to state essentially the ultimate opinion, which is essentially, would you have shot Arrick Richards in this situation, he couldn't say yes. So the defendant's own expert on use of force could not establish that he was justified. So I don't even think the defense gets through the first prong in establishing that his actions were reasonable.").

[21] *Yocum v. State*, 777 A.2d 782, 784 (Del. 2001) (citing *Lunnon v. State*, 710 A.2d 197, 199 (Del. 1998)).

against death [or] serious physical injury."[22] The use of deadly force is not justifiable when:

> (1) The defendant, with the purpose of causing death or serious physical injury, provoked the use of force against the defendant in the same encounter; or
> (2) The defendant knows that the necessity of using deadly force can be avoided with complete safety by retreating . . . .[23]

(17) Martin argues that he was entitled to a self-defense instruction for two reasons: (a) his testimony that he shot Richards believing that Richards had a gun and was going to use it; and (b) expert testimony that Martin believed he was in imminent danger when he shot Richards.[24] Martin relies on *Gutierrez v. State* to argue that the court improperly weighed his evidence. In *Gutierrez*, this Court held that the defendant was entitled to a self-defense instruction because he presented credible evidence that a corrections officer threatened to use unlawful force against him.[25]

(18) When a party requests a jury instruction, the court must first ensure "that the affirmative defense evidence describes a situation that is within the realm

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[22] 11 *Del. C.* § 464.

[23] *Id.* § 464(e).

[24] Opening Br. 14–16.

[25] 842 A.2d 650, 653 (Del. 2004).

of possibility" – that the evidence is "credible."[26] The court must also ensure "that such situation would legally satisfy the requirements of self-defense."[27] If both requirements are met, the court must "submit to the jury the question of which version of facts is more believable or supported by the evidence as a whole."[28]

(19) Martin argues that, as in *Gutierrez*, it was "within the realm of possibility" that he shot Richards "because Martin perceived him and/or his wife as being in a potentially deadly situation."[29] We need not reach whether that is so, because Martin fails to establish the elements of self-defense under Section 464(c).[30]

(20) Taking Martin's version of events as true, his use of force was not justified. Deadly force is not justified where the defendant either provoked the altercation or can retreat with complete safety.[31] Martin had multiple opportunities to avoid the confrontation. On direct examination, Martin conceded that he could have left when Richards first approached his wife at the end of the bar, and again

[26] *Id.* at 652–53.

[27] *Id.* at 653.

[28] *Id.*

[29] Opening Br. 18.

[30] 11 *Del. C.* § 303(a)–(b); *Gutierrez*, 842 A.2d at 653.

[31] 11 *Del. C.* § 464(e).

when Richards began speaking to him at the pool table.[32] On cross-examination, Martin admitted that he never tried to leave even though he had a clear path to retreat.[33] He also testified that he could have retreated even after he pulled out his gun, but did not.[34] Instead, by his own admission, Martin leaned closer to Richards.[35] Martin had several opportunities to leave the taproom safely, and instead, he moved toward the person he now claims he perceived as a threat. For these reasons, Martin did not meet the elements of self-defense under Section 464(c). The Superior Court did not err in denying his request for a self-defense instruction.

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[32] A320–21.

[33]
Q: And again, there's a door at the top of the screen with a clear lane. You didn't walk through that door, did you?
A: No I didn't.
Q: There's a clear lane to the door at the bottom of the screen. You didn't grab your wife and say: Hey, let's get out of here. It's getting a little hot, did you?
A: I didn't.

A336–37.

[34]
Q: You're pulling a gun out of your pocket, right?
A: Right.
Q: It's a loaded nine-millimeter handgun, right?
A: Right.
. . .
Q: And there's a clear walkway to the exit door at the bottom of the screen, isn't there?
A: Yeah, there is.
Q: You could have walked away, couldn't you?
A: It was a possibility, yes.
Q: And you leaned in closer, right?
A: It looks like it.

A337–39.

[35] A339.

(21) Martin argues next that he was denied a fair trial under the Due Process Clause of the Fourteenth Amendment when the court refused his request for a self-defense instruction explaining the theory of his defense.[36] This issue was not preserved below. Thus, we review the court's findings for plain error.[37] Under plain error review, "the error complained of must be so clearly prejudicial to substantial rights as to jeopardize the fairness and integrity of the trial process."[38]

(22) The crux of Martin's argument is that, even if he was not entitled to a self-defense instruction, he was entitled to an instruction directing the jury to consider his theory of the defense.[39] By failing to give such an instruction, he argues, the court denied Martin his right to a fair trial. Martin points to 11 *Del. C.* § 302(b), which provides:

> The defendant may produce whatever evidence the defendant has tending to negate the existence of any element of the offense, and, if the court finds that a reasonable juror might believe that evidence, the defendant is entitled to a jury instruction that the jury must

[36] Opening Br. 13–14.

[37] Supr. Ct. R. 8; *Ford v. State*, 341 A.3d 454, 465 (Del. 2025) ("[T]he failure to object at trial usually constitutes a forfeiture of a defendant's right to raise the issue on appeal unless the error is plain." (citing *Probst v. State*, 547 A.2d 114, 119 (Del. 1988))).

[38] *Ushery v. State*, 346 A.3d 621, 625 (Del. 2025) (quoting *Wainwright v. State*, 504 A.2d 1096, 1100 (Del. 1986)).

[39] Opening Br. 19 ("Thus, even if Martin was not entitled to a 'self-defense' instruction under §464, he was entitled to an instruction, under the Due Process Clause and §302(b), that the jury should consider his theory of the case.").

> consider whether the evidence raises a reasonable doubt as to the defendant's guilt.[40]

(23) A court is not required to give the jury every potentially available instruction when counsel has failed to request it.[41] Here, Martin requested an instruction on self-defense, not an instruction on his theory of the case. The court considered whether he met the elements of self-defense and, finding that he had not, declined his request.[42] Martin also requested an instruction on lesser-included offenses, which the court gave the jury.[43] The court instructed the jury on second-degree murder, the offense of which Martin was ultimately convicted, and manslaughter acting under extreme emotional distress.[44]

(24) In any event, Martin was not prevented from presenting his theory of the case. He testified in his own defense and called three expert witnesses. The jury was free to weigh all the evidence he presented in determining whether the State met

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[40] 11 *Del. C.* § 302(b).

[41] *Perkins v. State*, 920 A.2d 391, 400 (Del. 2007) ("[T]he Superior Court had no affirmative duty to so instruct the jury *sua sponte* . . . ."); *State v. Brower*, 971 A.2d 102, 108, 110 (Del. 2009) (reaffirming Delaware's party-autonomy rule, which would be undermined if courts had to instruct *sua sponte* on lesser-included offenses neither party requested.); *Dordell v. State*, 115 A.3d 1214, 2015 WL 2345579, at *2 (Del. May 15, 2015) (TABLE) ("Notably, neither the statute nor the common law *requires* the trial court to instruct the jury *sua sponte* on all potentially available affirmative defenses when counsel has not requested a particular instruction.").

[42] B260–61.

[43] B259.

[44] B259–60, 264.

its burden of establishing the elements of the charged offenses, including Martin's intent, beyond a reasonable doubt. Indeed, the jury's verdict – convicting Martin of the lesser-included offense of second-degree murder rather than first-degree – demonstrates that his theory of the case had at least some effect on the jury's deliberations. There was no due process violation.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice