IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
	)	**Case No.: 1201018253**
v.	)	**1202006406**
	)	**1402013417**
DAVID YARBOROUGH,	)	
	)	
Defendants.	)	

Submitted: October 23, 2026
Decided: November 12, 2026

OPINION AND ORDER

On Defendant's Motion for Reconsideration of Commissioner's Report and Recommendation

DENIED

Zachary Rosen, Deputy Attorney General, Attorney General's Office, 820 N. French Street, 7th floor, Wilmington, Delaware, *Attorney for Plaintiff.*

David T. Yarborough, James T. Vaughn Correctional Center, Smyrna, Delaware, *Pro-Se Defendant.*

Jones, J.

David Yarborough filed the instant motion for the return of property. The matter was referred to a Commissioner who held a number of hearings and took testimony. The issue for the Commissioner was who owned the $4,307.22 that was seized during the execution of a search warrant at the residence of Kenneth Yarborough. Kenneth Yarborough was a codefendant of David Yarborough. The Commissioner found that the Defendant did not prove that the money was his. Yarborough has filed objections to the Commissioner's Report and Recommendations.

STANDARD OF REVIEW

The decision on who owns the property for which Yarborough seeks return is a case dispositive motion. Therefore, the standard of review is *de novo* under Superior Court Civil Rule 132(a)(4).

ANALYSIS

Yarborough's first complaint with the Commissioner's order is that the order is somehow deficient because it cited no case law. In making this argument Yarborough cites the Court to no authority that requires that case law be cited in support of a Commissioner's decision. The citation of cases is not required where the issue to be decided is one of fact. That was the situation in the instant case where the sole issue was a factual one, namely, who owned the money in question.

Yarborough challenges the factual findings of the Commissioner. He argues that his codefendant testified credibly and that the codefendant's testimony and his

own testimony and evidence supported a conclusion that Yarborough was living with his codefendant at the time of the alleged events which would support a conclusion that the money belonged to him.

The Court has reviewed the entire record which included listening to the recordings of the September 30, 2025, and December 4, 2025, hearings. Based on my review of this entire record, I have reached the same conclusion that the Commissioner reached. Namely, that Yarborough did not prove by a preponderance of the evidence that the money in question belonged to him. I independently agree with the Commissioner's factual conclusions and credibility determinations.

For these reasons I DENY Yarborough's challenges to the Commissioner's recommendations and I adopt and accept the Commissioner's findings and recommendations based on my own review of the record and my conclusions of the credibility of the witnesses presented which is in accordance with the Commissioner.

Final judgment is entered against David Yarborough on his request for the return of the $4,307.22 in currency that he seeks.

IT IS SO ORDERED.

/s/ Francis J. Jones, Jr.
Francis J. Jones, Jr., Judge

cc: Original to Prothonotary