IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSHUA PAYNE,	§	
	§	No. 68, 2025
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID No. 2402001043 (N)
STATE OF DELAWARE,	§	
	§	
Appellee.	§	
	§	

Submitted: August 28, 2026
Decided: November 19, 2026

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

ORDER

After consideration of the parties' briefs and the Superior Court record, it appears to the Court that:

(1) Joshua Payne appeals his convictions for several traffic offenses. For the following reasons, we affirm Payne's convictions. Because we have determined that the probationary period of Payne's sentence exceeds the one-year term authorized by statute, however, we remand this matter to the Superior Court for the entry of a modified sentencing order reducing that portion of Payne's sentence.

(2) In May 2024, a Superior Court grand jury indicted Payne for disregarding a police officer's signal ("disregarding"), reckless driving, driving with a suspended license, and driving at an unreasonable speed. The charges were largely

based on Payne's conduct after police initiated a traffic stop of Payne's vehicle. Before trial, Payne moved to suppress the evidence against him, arguing that the police lacked reasonable articulable suspicion to conduct the traffic stop and that the police unlawfully extended the length of the stop. Following an evidentiary hearing, the Superior Court denied Payne's motion, and the case proceeded to a jury trial on January 27, 2025.

(3) At trial, Wilmington Police Officer Logan Crumlish testified that he and his partner, Officer Michael Kline, were on "proactive" patrol[1] in a marked police vehicle during the evening hours of February 2, 2024, when he observed a white Subaru idling in an alley near the intersection of South Heald and D Streets. As is his practice while on proactive patrol, Officer Crumlish ran the Subaru's license plate number through the Criminal Justice Information Center's database ("CJIS") and learned that the Subaru's registration was suspended. Approximately five minutes later, the officers spotted a white Subaru driving on South Heald Street. As they followed it, Officer Crumlish ran the car's license plate number through CJIS and confirmed that (i) the car was the same Subaru that they had seen idling in the alley and (ii) its registration was suspended. The officers then activated the police vehicle's emergency lights and siren and initiated a traffic stop.

[1] Officer Crumlish did not explain how proactive patrol differs from routine patrol.

(4) Officer Crumlish approached the vehicle, and its sole occupant—soon identified as Payne—provided Officer Crumlish with his driver's license and vehicle registration card. Officer Crumlish returned to the police vehicle where he ran Payne's name through the Delaware Criminal Justice Information Center's database ("DELJIS"). The DELJIS search revealed that Payne's driver's license was suspended. Office Crumlish returned to the Subaru, informed Payne that his driver's license as well as his car's registration were suspended, and asked Payne to step out of the vehicle. Payne protested that his driver's license was not suspended, put up the Subaru's window, and sped off. The officers chased after Payne at a high rate of speed but were unable to catch up to him. Officer Kline also testified similarly, and his version of events aligned with Officer Crumlish's testimony. Finally, the State introduced into evidence video footage of the traffic stop captured by both officers' body-worn cameras. Payne, who was proceeding *pro se*, did not testify, but argued in closing that he was not guilty of disregarding because he had (i) stopped his vehicle and (ii) provided the police with his driver's license and the Subaru's registration card.[2]

(5) The jury found Payne guilty as charged. The Superior Court imposed the following sentence: for disregarding, five years of incarceration, suspended after

[2] Payne did not contest his guilt as to the other charges.

six months for eighteen months of Level III probation with GPS monitoring; for reckless driving, thirty days of incarceration; and for driving with a suspended license, thirty days of incarceration. The Superior Court imposed fines for driving with a suspended license and driving at an unreasonable speed. This appeal followed.

(6) On appeal, Payne raises six arguments: (i) the police lacked probable cause to run his license plate number through CJIS; (ii) the police's stated reason for the traffic stop was pretextual because he was not cited for operating a vehicle with suspended registration; (iii) his sentence for disregarding is illegal; (iv) the State vindictively prosecuted him; (v) the State improperly charged him with disregarding instead of resisting arrest; and (vi) the State failed to turn over *Brady* material. Payne's arguments are unavailing.

(7) Payne's first two arguments challenge the Superior Court's denial of his motion to suppress. We review the Superior Court's denial of a motion to suppress following an evidentiary hearing for an abuse of discretion.[3] The Superior Court did not abuse its discretion when it denied Payne's motion to suppress. First, and as the Superior Court correctly observed, a motorist does not have a reasonable

[3] *Juliano v. State*, 254 A.3d 369, 376 (Del. 2020).

expectation of privacy in his license plate number.[4] It follows that a police officer needs neither reasonable articulable suspicion nor probable cause before he may run a license plate number through a law enforcement database. Second, this Court has held that so long as a traffic stop is justified by reasonable articulable suspicion, the police officer's subjective motivation for the stop is irrelevant.[5] Here, once Officer Crumlish determined that the Subaru's registration was suspended, he had reasonable articulable suspicion to initiate the traffic stop.

(8) Payne next argues that his sentence for disregarding is illegal because disregarding is a class G felony, with a sentencing range of zero to two years of incarceration. Payne is correct that a defendant's *first* conviction for disregarding is a class G felony. But under 21 *Del. C.* § 4103(b), which defines the offense of disregarding, a defendant's *second or subsequent* conviction for disregarding is a class E felony, with a sentencing range of zero to five years of incarceration. The State represented to the court—and Payne did not dispute—that he had previously been convicted of disregarding in 2013. Payne's sentence for disregarding is therefore not illegal.

---

[4] *United States v. Ellison*, 462 F.3d 557, 561-63 (6th. Cir. 2006) (collecting cases); *Martinez v. State*, 2010 WL 1854127, at *4 (Del. Super. Ct. Apr. 29, 2010). *See also Katz v. United States*, 389 U.S. 347, 351 (1967) ("What a person knowingly exposes to the public … is not a subject of Fourth Amendment protection.").

[5] *Juliano*, 254 A.3d at 388 (rejecting the defendant's argument that a police officer's subjective motivation for conducting a traffic stop is relevant to the question of whether reasonable articulable suspicion for the stop is present).

(9) We review Payne's next two arguments for plain error because he did not raise them in the Superior Court in the first instance.[6] "Plain errors are 'material defects which are apparent on the face of the record, which are basic, serious, and fundamental in their character, and which clearly deprive an accused of a substantial right, or which clearly show manifest injustice.'"[7] Payne cites "vindictive prosecution" as the reason the prosecutor argued for a harsher sentence following the jury's guilty verdict than the sentence he had offered during plea negotiations. Vindictive prosecution is "a federal due process concept that, generally, on reindictment or retrial, the State may not substitute a more serious charge for one brought in the initial proceedings."[8] It is "based on the intuition that prosecutors could dissuade defendants from pursuing their rights by holding as-or-more serious charges for the same behavior in reserve."[9] Payne does not claim that he has been threatened with harsher charges were he to be retried following a successful appeal. What Payne characterizes as vindictive prosecution is simply evidence of plea negotiations, which are "undertaken for [the parties'] mutual advantage and

[6] Del. Supr. Ct. R. 8.

[7] *Suber v. State*, 360 A.3d 203, 210 (Del. 2026) (citing *Wainwright v. State*, 504 A.2d 1096, 1100 (Del. 1986)).

[8] *Holland v. State*, 158 A.3d 452, 465 (Del. 2017).

[9] *Id.*

governed by contract principles."[10] Once Payne rejected the State's plea offer, the prosecutor was under no obligation to recommend to the trial court that Payne be sentenced as he would have been had he accepted the plea offer.[11]

(10) Payne next argues that he should have been charged with resisting arrest instead of disregarding. "The Attorney General's Office is given broad discretion when deciding against whom to focus its limited prosecutorial resources, and a strong presumption of regularity supports its prosecutorial decisions."[12] Although it appears from the evidence presented at trial that the State *could have* charged Payne with resisting arrest, "there is no requirement that the State prosecute each and every violation of the law."[13] To the extent that Payne is arguing that the State's evidence was insufficient to support his conviction for disregarding, we review his argument *de novo* to determine whether, when viewing the evidence in the light most favorable to the State, any rational trier of fact could have found him guilty of disregarding beyond a reasonable doubt.[14] Here, footage from the police officers' body cameras corroborated the officers' trial testimony—it showed the officers pursuing the

---

[10] *Washington v. State*, 844 A.2d 293, 296 (Del. 2004).

[11] *See id.* at 296-97 ("Under standard contract law principles, a defendant's rejection of a plea offer operates as a termination of the defendant's right to accept the offer." (internal quotation marks and citation omitted)).

[12] *Anderson v. State*, 21 A.3d 52, 58 (Del. 2011) (cleaned up).

[13] *Id.*

[14] *Robertson v. State*, 596 A.2d 1345, 1355 (Del. 1991).

Subaru on public roads, the police car's emergency lights flashing, and Payne abruptly speeding away, with the police vehicle's emergency lights still flashing, roughly three minutes after Officer Crumlish initially approached the Subaru. In short, the State presented sufficient evidence for a rational factfinder to find that Payne was guilty of disregarding.[15]

(11) Finally, Payne maintains in his opening brief that the State committed an unspecified *Brady* violation that he will "expound upon" in his reply brief. Payne has waived this argument by failing to articulate this claim of error in his opening brief.[16]

(12) Although we affirm Payne's convictions, we find that Payne's 18-month probationary period exceeds that which is authorized by statute.[17] We therefore conclude that this matter must be remanded for the entry of a sentencing order reducing Payne's probationary period to one year.

---

[15] *See* 21 *Del. C.* § 4103(b) ("Any driver who, having received a visual or audible signal from a police officer identifiable by uniform, by motor vehicle or by a clearly discernible police signal to bring the driver's vehicle to a stop, operates the vehicle in disregard of the signal … shall be guilty of a class G felony…. For each subsequent like offense, the personal shall be guilty of a class E felony….").

[16] Del. Supr. Ct. R. 14(b)(vi)(A)(3). Payne did not, in fact, "expound upon" the State's alleged *Brady* violation in his reply brief.

[17] 11 *Del. C.* § 4333(b) (providing for a maximum probationary period of two years for a conviction of any violent felony, a maximum probationary period of eighteen months for a conviction of any Title 16 offense, and a maximum probationary period of one year for a conviction of any offense not designated as a violent felony or Title 16 offense).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be AFFIRMED. The matter is hereby remanded to the Superior Court with instructions to enter a modified sentencing order as outlined in this order. Jurisdiction is not retained.

BY THE COURT:

/s/ Gary F. Traynor
Justice