

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HAKEIM ANDERSON	]	
	]	
Defendant Below	]	
Appellant	]	
	]	
v	]	CASE NO. 559, 2017
	]	
STATE OF DELAWARE	]	
	]	
Plaintiff Below	]	
Appellee	]	

ON APPEAL FROM THE SUPERIOR COURT OF DELAWARE

APPELLANT'S OPENING BRIEF

AMENDED

Anthony A. Figliola, Jr., Esquire  
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Delaware I.D. 957  
( 302 ) 472 - 9902

May 15, 2018

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## NATURE AND STAGE OF PROCEEDINGS

On December 21, 2015, Appellant was indicted on separate counts of Murder First Degree, PFDCF and PFBPP.

The Office of the Public Defender was initially representing Mr. Anderson. On or about October 25, 2016 the Superior Court found that the Office of the Public Defender had a conflict and allowed the office to resign from the case. Anthony A. Figliola, Jr., was appointed to represent the Appellant on or about December 20, 2016. Court granted defense Motion to sever the PFBPP from the remaining charges.

Trial in this matter commenced July 11, 2017, on July 13, 2017 the Court granted State's Motion and denied several Defense Motions. On July 14, 2017 Defense Motion for Mis Trial was denied. Jury found Anderson guilty on July 17, 2017 of Murder First Degree and PFDCF. Judge Johnston found Anderson guilty on the severed charge of PFBPP.

On December 12, 2017 Appellant was sentenced a timely Appeal was filed This is Appellant's Opening Brief on Appeal. ( A1 - A13 )

## SUMMARY OF ARGUMENT

1. The granting of State's Motion to admit evidence of forfeiture by wrongdoing, was an abuse of discretion.
2. Corrupted video was essential to Defense case failure to give missing evidence Instruction was an abuse of discretion .
3. Failure to grant mis trial was an abuse of discretion.

## STATEMENT OF FACTS

Following Jury selection an issue regarding a video viewed by the Chief investigating officer but subsequently destroyed was discussed. The court made no decision on the matter at that time . ( A15 - A19 )

The State called Detective Leccia regarding his initial investigation. ( A20 ) The Detective on direct explained his actions including the collection of two videos one at Richardson's Market and the other at a liquor store. He further explained what he viewed and how the liquor store video became corrupted, ( A21 - A27 ) On cross examination Leccia testified that the liquor store was closer to the crime scene than Richardson's. He further testified that no one other than he ever saw the liquor store video which became encrypted and was unavailable for either defense or jury to witness. Leccia on his own determined the video had no evidentiary value. ( A28 - A31 )

On July 11, 2017 the State called Keisha Waters to the stand . ( A32 ) Ms. Waters testified that she both the defendant and the victim.( A33, 34 ) Ms. Waters testified that on the night of the incident she was using pills but not drinking, she heard the defendant and victim arguing over whether defendant was a snitch. The defendant denied he was a snitch and left the area. ( A35 - A38) Ms. Waters

continued to testify on direct that she witnessed defendant shoot the victim, even though she never saw a gun. ( A39,40 )

On cross - examination Ms. Waters indicated the defendant was wearing blue jeans and a black shirt. ( A41 ) She was high on Xanies and had taken more than the prescribed he saw him run up Church Street after the shooting and saw no gun at either the time of the shooting or prior to the shooting. She talked to the police five days after the shooting and heard things on the street .( A42 - A44 )

The State's next witness was Theresa Brooks, who testified that she knew both the defendant and the victim . ( A45,46 ) Brooks stated she saw defendant shoot the victim. ( A47)

On cross examination Brooks testified that the defendant was wearing a white shirt and blue jeans. ( A48 ) She further testified that after the shooting, the shooter ran up the street toward the Vandever Avenue Liquor Store. ( A49,50 ) Brooks stated she knew Ha Ha , Harry & H they were three individuals, Ha Ha and Harry were wearing white tee shirts and H was wearing a Black Tee Shirt ( A51 ).

The State at this time addressed the court with an issue the State believed showed defendant was tampering with witnesses and its intention seek permission to introduce hearsay pursuant to D.R.E. § 804 (6). Defense acknowledged that the



State had informed him that Ms. Waters had told the State she had been threatened.  
( A52-A54 )

The State's next witness was Joseph Brown , brother of the victim. ( A55 )  
Brown testified that he saw the Appellant shoot his brother. ( A56 ) He than saw  
Ha Ha running toward Church Street ( A57 ) The State asked Brown if he saw  
defendant after the shooting, he testified no but he overheard a conversation,  
between the defendant and other family members. Defense raised an objection  
which was overruled provided the State laid the proper foundation. ( A58-A60)  
Brown testified his son called him, he heard , in the background, Ha Ha say the  
shooting was an accident, the defendant was sobbing and his father and Shyra  
Dennis and his father, Arto Harrison were also in the background.( A60-A64)

On cross examination Brown testified that he came to the police with this  
information to the police in September after being arrested on a minor incident.  
( A65 ) He further stated that when he spoke to the police he was under the  
influence of narcotics. ( A66 ) He also indicated he was high on the night of the  
shooting. ( A67 ) Brown than testified that he never told the police about the  
alleged telephone conversation he overheard when he gave his statement in  
September 2016.( A68, 69 ) He than went on to testify that the shoots were fired  
from the middle of the street and he heard at least three shots . ( A70,71 )

At this point the State presented the court copies of the four previously indicated prison calls that they may seek to introduce. ( A72 )

The State's next witness was Carl Rhone their ballistics expert ( A73) Mr. Rhone testified that he examined two 9mm casings ( A74 )

On cross examination Rhone indicated he also examined bullet fragments from the scene and that he could not say the fragments came from the tested casings. ( A75 )

Detective Leccia was recalled regarding fingerprint analysis. The testimony was that the prints did not come back to the defendant. ( A76 ) He further testified that on the night of the shooting no witnesses came forward. ( A77-A79 ) Leccia testified about how the police monitor prison calls and that in fact the prisoners are told their calls are being recorded. ( A80-A83 )

On cross examination Detective Leccia was again asked about the missing video and that no one but himself viewed it. ( A84 ) He further testified that Mr. Anderson turned himself in ( A85 ) and that Harry, Ha Ha and H are all different people. ( A86 )

At this point the State addressed the unavailability of Arto Harrison and the State's belief he was unavailable do to the efforts of the defendant. The State argued inferences and their interpretation of prison calls made by defendant.

Defense objected indicating their was nothing other than the State's interpretation and testimony should be taken prior to any decision. ( A87 - A91 )

The States next moved the court to declare Arto Harrison unavailable due to the interference of the defendant. Defense objected on the grounds that there was no evidence that Mr. Harrison was absent due to any actions on the part of Defendant. The State had the ability to call witnesses to support their allegations. The defense argued that in fact we believed Harrison would recant and become a defense witness. The defense investigator was available to testify as to all efforts made by defense to locate M. Harrison. After lengthy argument and without testimony the Court allowed to Prison Calls to be admitted and Arto Harrison's tape statement to be played,. ( A92 - A 113 )

Following the Court's ruling defendant sought permission to introduce testimony that Harrison had made statements indication he lied to the police. The Court ruled that though relevant they were not admissible as an exception to the hearsay rules of evidence. ( A114 - A116 )

Testimony regarding the availability of Arto Harrison and the introduction of the prison calls began with the State recalling Detective Leccia. Mr. Harrison's statement was then played to the Jury.( A117) The State than introduced the prison calls and played those calls to the jury. ( A118,119 )

Following the introduction of the statement of Harrison and the prison calls the defense cross examined Detective Leccia. During his cross examination Leccia confirmed that Harrison never indicated that Joseph Brown was part of any phone call nor was anyone else. Also Leccia indicated that at know time did he ask Harrison if his statement was true. ( A120 )

The Court than acknowledged that the statement and calls were admitted subject to stated objections. ( A121 )

The Court asked Counsel if there were any issues to be discussed, defense indicated it was asking for a Lolly instruction regarding the missing video. The State argued that in fact the eye witness es had the shooter running in opposite direction and it was the jury who should determine whether video was of evidentiary value and not the investigating officer. After listening to argument from Counsel the Court found there was no breach of duty to preserve the tape and denied the defense request. ( A122 - A132 )

Defense than again clarified on the record that there was an objection to the admissibility of the Harrison statement and the prison calls. ( A133 )

Mr. Harrison was taken into custody by the police following the playing of his statement and the introduction of the prison calls which allegedly made him unavailable. The defense moved for a mis trial.( A134 ) The State than made

argument and offered explanation as to why Harrison was now available. Again as before the presented argued was not supported by testimony. After hearing from Counsel the Court took testimony from Detective Leccia. ( A135 - A 149 )

Detective Leccia testified that a Material Witness Warrant was issue (A 150)and served by Detective Jordan (A151). Leccia further testified that he sought the help of the Marshal's office ( A152 ) and tracing his EBT card (A153) to locate him. Also they contacted both Meadowood and Rockford ( A154 )

On cross examination Leccia acknowledged he received information from the defense as to where Harrison might be located. Leccia further stated he never checked either YMCA or the Salvation Army . ( A155 - A157 )

The Court again found for the prosecution and denied defense Motion for Mistrial. ( A 158 - A161 )

Following the Court's ruling the State informed the Court that Mr. Harrison in fact told the State that know one knew were he was. ( A162 )

The defense began it's case by calling Arto Harrison ( A163 ) The defense first asked if he had ever been threatened by anyone not to come forward in this case, he answered no. He than indicated he was in rehab on South Market Street and left last night . ( A164 - A165 ). In regard to a statement given to police he stated he was off the chain with his addiction . ( A165 ) He recalls speaking with

Detective Leccia ( A 166 ) He however denies telling Leccia that the defendant killed his son. ( A167 ) He recalls telling Leccia about a phone conversation he had with the defendant but testifies that Joseph Brown was not present.( A168 )

Mr. Harrison stated he had no first hand knowledge of what happened the night of the shooting. He was than asked if he heard stories as to what may have happened , the State objected and the Court sustained the objection. ( A169 )

Harrison denied that Anderson ever told him he killed Clark or that it was an accident. He did however admit he told someone that and he did it based on what he heard. ( A171,172 )

On cross examination Harrison again stated his statement to the police was based upon hearsay. ( A173 ) The State asked if in his March interview with the State he ever indicated that his initial interview was based on hearsay, Harrison stated no that his March interview was subject to subpoena and not voluntary. ( A174 )

The defense next called Tara Williams to the stand. ( A175 ) Ms. Williams testified that the defendant was her nephew and that she knew Arto Harrison and the victim Markevis Clark and the relationship between the three of them. ( A176, 177) Ms Williams denied ever attempting to influence witnesses not to come forward ( A178 - A180 )

Ms. Williams on cross examination denied that she ever threatened Arto Harrison. ( A181 ) She admitted to speaking with the defendant on the phone while he was in prison. ( A 182 )

On re direct Ms. Williams testified she was aware of the fact that the defense was actively looking for Arto Harrison ( A183 ) Williams testified that she listened to the prison tapes with her attorney prior to her testimony and was aware that she was going to be questioned. She stated her testimony was the truth.

( A184-A186)

On re cross Williams told the State the defense needed Harrison to tell the truth. ( A187 )

## **ARGUMENT I**

### **GRANTING STATE'S MOTION IN LIMINE BASED UPON FORFEITURE BY WRONGDOING WAS AN ABUSE OF DISCRETION**

#### **QUESTION PRESENTED**

Was the admission of Arto Harrison's out of court statement an abuse of discretion when admission was based on unsupported allegations that he was unavailable because of Appellant's wrongdoing? ( A92 - A119 )

#### **Standard and Scope of Review**

The decision to admit evidence in this manner is reviewed as an abuse of discretion. Charbonneau v. State, 904 A.2d 295 ( Del. 2006 )

#### **MERITS OF ARGUMENT**

The State did not file a formal Motion in Limine but notified the Court of its inability to locate Arto Harrison and its intention to ask the court to admit Harrison's statement under D.R.E §804 (b)(6). The State sought to introduce prison calls which they argued demonstrated Appellant was asking individuals to keep or convince State witnesses not to testify. ( A87 - A91 )

Argument for the admission of the prison calls and the statement of Arto Harrison were advanced by the State, supported only by their interpretation of what the meaning of the prison calls were. The defense argued admission should be



based upon hard evidence that in fact State witnesses never testified that they were approached by the defendant or his people and asked not to testify or see to it that Arto Harrison would be unavailable. The State submitted no testimony to support their allegation of interference. ( A92 - A113 )

In argument it was submitted that defense was also actively looking for Arto Harrison and a witness was available to support that fact.. ( A95,96 )

In Charbonneau v. State, at 318, the Court in finding wrongdoing relied upon the testimony of witnesses , in the case at bar the State presented no witnesses as defendant's wrong doing just assumption and interpretations beneficial to the State argument.

In Phillips v. State, 154 A.3d 1130 ( Del. 2017 ), the court in allowing the hearsay statement of Curry found that Phillips had forfeited his right to confrontation. This decision was based in part upon the co conspirator statement of Jeffrey Phillips that Otis Phillips told him that Curry must die because he was a witness to a prior murder.

The test for admissibility of hearsay under forfeiture by wrongdoing is threefold: 1) that the defendant engaged or acquiesced in wrongdoing, 2) that the wrongdoing was intended to procure the declarant's unavailability, and 3) that the wrongdoing did procure the unavailability. Phillips at 1143, citing

United States v Bakersville, 448 Fed. Appx. 243 ( 3<sup>rd</sup> Cir.2011 ) quoting United States v Scott, 284 F.3d 758 ( 7<sup>th</sup> Cir. 2002 ).

What complicates this is issue is that Arto Harrison later appeared and never testified that the defendant sought to keep him from testifying. Harrison stated he was staying at the Salvation Army. ( A164, 165 ) Defense moved for a mistrial. ( A134 )

State's entire argument was based upon its singular interpretation of defendant's calls. Though witness's to the crime , Waters and Brooks were available to testify if in fact they were approached by defendant or members of his family not to testify , the State never produced that testimony. State other than its interpretation of the calls argued before the court that their motion be granted.

Based upon the availability of witnesses to support their allegation and the State's failure to produce the witness's their was insufficient evidence to support the claim of wrongdoing. The prejudice of this admission clearly outweighed the probative value, which prompted the defense motion for mistrial once Arto Harrison presented himself to the Court.

## **ARGUMENT II**

### **COURT ERRED WHEN IT DENIED DEFENSE REQUEST FOR MISSING EVIDENCE INSTRUCTION**

#### **QUESTION PRESENTED**

Was defense entitled to a missing evidence instruction? ( A122 - A132 )

#### **Standard and Scope of Review**

The standard of review of denial to give a jury instruction on missing evidence is plenary or de novo. Lunnon v. State, 710 A.2d 197 ( Del. 1998 )

#### **MERITS OF ARGUMENT**

Prior to testimony State and Defense brought to the Court's attention the fact that a video in possession of the State had been corrupted and was no longer available. ( A15 - A19 ) Defense indicated an application would be made following testimony. ( A18,19 ) Detective Leccia was called to the stand to indicate what he saw when he viewed the corrupted video. It was his testimony that nothing could be seen other than a black silhouette, a body, he therefore deemed the video useless.( A22, 23 )

On cross examination Detective Leccia testified that he was the only party to view the video he further testified that the liquor store and Church Street were in opposite directions from the site of the shooting. ( A28 - A 31 ) The defense made no motion at that time.

Ms. Waters testified for the State that she saw the shooter HA HA , defendant, wearing black shirt and blue jeans shoot and run towards Church Street. ( A41,43)

Ms. Brooks testified for the State that she saw defendant wearing white shirt and blue jeans. ( A48 ) She further testified that someone named H was wearing black shirt and jeans. ( A48 ) Further testimony was that after the shooting defendant was picked up by Harry in a car parked in front of the Vandever Avenue Liquor Store ( A49,50 )

The State's eyewitnesses both indicated Appellant was the shooter but had the shooter wearing different clothing and running in different directions, Importantly in the direction of the corrupted video.

The defense requested the missing evidence instruction which was denied by the court after argument. ( A122 - A132 )

The duty to preserve and turn over potentially exculpatory evidence to the defendant is required by the prosecution. Brady v Maryland, 373 U.S. 83 ( 1963 ) The key word in Brady is potentially. Here we have two eyewitnesses putting the shooter in different clothing and running in opposite directions. The relevance of the evidence is clear if the jury viewed the evidence and determined that it had value the two eyewitness testimonies would shed doubt on the credibility of the

witnesses. Allowing defense counsel to discredit the witnesses. Davis v Alaska, 415 U.S. 308 ( 1974 )

An argument that the trial court decision was made upon information before it, that is the testimony of Leccia that he saw nothing however there was no collaboration of that fact. The court has held that it will not disturb conclusion of fact that are supported by competent evidence. Bailey v. State, 521 A.2d 1069 ( Del. 1987 ) Defense argues there was no competent evidence only and opinion of a police officer who had arrested defendant for murder.

When a defendant claims that the State has failed to preserve evidence by looking it after it has been gathered, the analysis which a Court must follow is set forth as follows: 1) Would the requested material, if extant in the possession of the State at the time of the defense request had been subject to disclosure under Superior Court Criminal Rule 16 or Brady ? 2) if so, did the government have a duty to preserve the material? 3) if there was a duty breached, what consequence should follow from a breach? De Berry v. State, 457 A.2d 744 ( Del. 1983 )

Appellant would argue that yes the material was requested and its relevance is significant in view of the contrasting testimony of Waters and Brooks. That the governments duty to preserve was evident after taking the statements of Waters and Brooks and the duty was breached. The request for a missing evidence

instruction should have been given. The testimony of what was on the video was supported by independent evidence and further a jury may have determined the black silhouette as the shooter thus showing inconsistency in the eyewitness testimony.

### **ARGUMENT III**

## **IN THE INTEREST OF JUSTICE DEFENSE MOTION FOR MIS TRIAL WAS REQUIRED**

### **QUESTION PRESENTED**

Did the voluntary appearance at Trial by Arto Harrison after the Court ruled he was absent due to Appellant's wrongdoing require the Court to grant defense motion for mis trial? ( A134 - A149 )

### **Standard and Scope of Review**

Denial of Superior Court's motion for mistrial is reviewed for abuse of discretion. Flowers v State, 858 A.2d 328 ( Del. 2004 )

### **MERIT OF ARGUMENT**

The claim is based upon the totality of the circumstances. The Court allowed into evidence prison calls which the Court allowed the State to argue were threats to potential witnesses. The Court than compounded the prejudice by allowing in a hearsay statement on the basis that the witness was unavailable due to the wrongdoing of defendant. ( A92 - A113 ) As previously noted the State produced no independent evidence to support their claims.

Arto Harrison after having been declared unavailable, due to the wrongdoing of defendant, voluntarily appeared before the Court. The defense requested a mis trial. ( A134 )

The request for the mis trial cannot be directed to one specific act. The motion was raised upon the appearance of Arto Harrison. It has been preciously argued that the unavailability of Harrison was based solely upon the State's interpretation of calls and their inability to locate their witness. The evidence allowed in by the Court clearly presented a picture to the Jury that Watson was essentially admitting his guilt by tampering with a witness. ( A135 - A149 )

The Court need not rely upon one specific error in determining wether a mis trial should have been granted, it may in fact look upon the totality of the circumstance and reverse a lower court's ruling in the interest of justice. Smith v State, 317 A.2d 20 ( Del. 1974 )

Appellant argues that the prejudicial effect of the Court's earlier rulings could not be corrected or overcome in any way other than the granting of a mis trial. The rulings were such that it led to events so prejudicial that the defendant did not receive a fair trial. Edwards v State, 320 A.2d 701 ( Del. 1974 )



## CONCLUSION

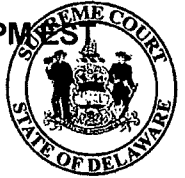
The Appellant's conviction was based in part upon the testimony of two eye witnesses who gave conflicting testimony about what the shooter was wearing and in which direction he ran. The State was in possession of a video that depending on interpretation would have supported the conflicting testimony. The evidence was lost and the interpretation of what was on the video was made only by the arresting officer. The interpretation of what was on that video should have been the duty of the trier of fact. The trier of fact was denied that opportunity.

The State than based solely upon interpretation of the State was permitted to introduce prison tapes which they argued showed defendant tampering with witnesses. That same interpretation of the tapes allowed the hearsay statement of Arto Harrison to be played before the jury. When Arto Harrison voluntarily appeared before the court a mis trial should have been granted. The defense calling Harrison was a last ditch attempt to fix what had already been destroyed, that is a fair trial for Appellant.

*/s/ Anthony A. Figliola, Jr.*  
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NOTICE OF APPEAL

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**IN THE SUPREME COURT OF THE STATE OF DELAWARE**

**HAKIEM ANDERSON**

**Defendant Below, Appellant**

**V.**

**STATE OF DELAWARE**

**Plaintiff Below, Appellee**

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**CASE NO. 559, 2017**

**AMENDED  
NOTICE OF APPEAL**

**TO: Elizabeth McFarlan, Esquire  
Deputy Attorney General  
820 N. French Street  
Wilmington, DE 19801**

**PLEASE TAKE NOTICE**, that Plaintiff Below, Appellant, does hereby appeal to the Supreme Court of the State of Delaware from Order of the Honorable Mary M. Johnston dated December 08, 2017, in the Superior Court of the State of Delaware, I.D. No. 1508015476 A & B.

The Name and address of the Attorney below for Appellee is:

Elizabeth McFarlan, Esquire  
Chief of Appeals  
820 N. French Street  
Wilmington, DE 19801

/s/ Anthony A. Figliola, Jr.

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Delaware I.D. No. 957  
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ORDER

SENTENCING WORKSHEET

HR4



EFiled: Dec 22 2017 03:40PM EST  
Filing ID 61498856  
Case Number 589,2017/17

DEFENDANT NAME: Hakim Anderson  
AKA:  
ID NUMBER: 1508015476 A DOB: 12/08/1984 Judge: MMJ

Time: 10:02

CHARGE: Murder 1st  
LIO:  
Cr.A. IN15-10-0012

No Injury or Death Pursuant to 21 Del. C. § 4205A: Defendants convicted under §4177B(e)(1)a-d; the terms of imprisonment defined in this title may be served at Level 4 as defined in 11 Del. C. §4204(c)(4).  
BAC:  4214(a)  4214(b)

Pay Costs  
 Costs Suspended

PD Fee/Conflict  
 Surcharges  
 Diversion Fee  
 SARTEP  
 DELJIS Fee  
 Security Fee

15%  18%  
 Pay Fine: \$  
 Amount Suspended \$  
 Transportation Surcharge: %

Civil Penally  
 Civil Judgment: \$

OSCCE to collect  
 Deemed uncollectible  
 Transferred to: Cr.A.

VOP/Contempt  Revoked  Not Found  Continued  Modified  Discharged  Withdrawn  Dismissed

Resent/Review  Boot Camp/ Diversion  Boot Camp  4177(d)(5)  GSP

Effective: 9/23/15 Deferred DATE: Facility  
Be imprisoned for \_\_\_ years \_\_\_ months \_\_\_ days At level 5  
Level 5 Treatment: Life

(CIRCLE ONE)  
2017 DEC - 8 PM 1:08  
COMMITMENT  
RELEASE  
DEFERRED COMMITMENT  
CLERK

Min. Mandatory time: Title/Sec:

Credit For:  No Credit Time Due

Suspended Immediately  Suspended for  
 Suspended After \_\_\_ for \_\_\_ at level \_\_\_ Crest / Work Rel / Home conf / VOP center  
 Suspended After \_\_\_ for \_\_\_ at level \_\_\_ Crest / Work Rel / Home conf / VOP center  
 Suspended After \_\_\_ for \_\_\_ at level \_\_\_ Crest / Work Rel / Home conf / VOP center

Followed by: at level Balance at level

Consecutive to:  Concurrent with:

Level 4 Sentence hold at: 3 4 5  Guilty but Mentally Ill, to be confined at Delaware Psychiatric Center (Delaware State Hospital) until competent.

TBD by AG \_\_\_ Days  
 Determined by ISO  
 Joint & Several w/co-def. ID No.

(Victim) 1. Sonya Thomas AMOUNT: \$ 7939.00  
2. AMOUNT: \$  
3. AMOUNT: \$

All Terms and Conditions Re-imposed  
 Pay costs, fines, restitution  
 Previously Ordered  
 During Probation  
 During / Within  
 No Contact with: Martens Clerk Family  
 Drug Court Standard Conditions  
 Comm Serv: \_\_\_ Hrs  
 No Driving Per Statute:

Residential Drug/Alcohol  
 Outpatient Drug/Alcohol  
 4177 DUI Program  
 Alcohol Treatment  
 Random Urinalysis  
 Zero Tolerance  
 Mental Health Eval.  
 Sub. Abuse Eval.  
 No Drugs/Alcohol Unless Medically Prescribed.  
 Parenting  
 TASC Eval / Monit  
 DVCC  
 DHSS Conditions  
 Anger Management  
 Obtain GED  
 Job Training  
 Fully Employed  
 Forfeit: \_\_\_

TIER LEVEL:  
 SEX OFFENDER: Registration per 11 Del. C. § 4120-4122; 11 Del. C. § 4336.  
 21 Del.C. § 2718 (Felony Only)  
 DNA Testing  
 HIV Testing

Mitigating/Aggravating: SB 50:  
undue deprivation  
Lack of remorse  
lack of accountability

Nolle Prosses entered on remaining charges.  
 Nolle Prosses entered on Criminal Action Number(s):

Other Conditions:

November 19, 2007

Ficciola McClellan Palladin MMJ

SENTENCING WORKSHEET

HRV

DEFENDANT	DEFENDANT NAME: AKA:	SBI: 420167
	Hakim Anderson	Date: 12/08/17
	ID NUMBER: 1508015476A	DOB: 12/08/1984
	Judge: MMJ	

CHARGE	CHARGE: PFDCF	<input type="checkbox"/> No Injury or Death Pursuant to 21 Del. C. § 4205A: Defendants convicted under §4177B(e)(1)a-d: the terms of imprisonment defined in this title may be served at Level 4 as defined in 11 Del. C. §4204(c)(4).
	LIO:	
	Cr.A. IN15-ID-0013	BAC: <input type="checkbox"/> 4214(a) <input type="checkbox"/> 4214(b)

FINANCIAL	<input checked="" type="checkbox"/> Pay Costs <input type="checkbox"/> Costs Suspended	<input type="checkbox"/> PD Fee/Conflict <input type="checkbox"/> Surcharges <input type="checkbox"/> Diversion Fee <input type="checkbox"/> SARTEP <input type="checkbox"/> DELJIS Fee <input type="checkbox"/> Security Fee	<input type="checkbox"/> 15% <input type="checkbox"/> 18% <input type="checkbox"/> Pay Fine: \$_____ <input type="checkbox"/> Amount Suspended \$_____ <input type="checkbox"/> Transportation Surcharge: _____%	<input type="checkbox"/> Civil Penalty <input type="checkbox"/> Civil Judgment: \$_____	<input type="checkbox"/> OSCCE to collect <input type="checkbox"/> Deemed uncollectible <input type="checkbox"/> Transferred to: Cr.A.
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VOP/Contempt  Revoked  Not Found  Continued  Modified  Discharged  Withdrawn  Dismissed

Resent/Review  Boot Camp/ Diversion  Boot Camp  4177(d)(5)  GSP

IMPRISONMENT / PROBATION	Effective: 9/23/15	Deferred DATE: _____	Facility _____	(CIRCLE ONE) <b>COMMITMENT /</b> RELEASE <b>DEFERRED</b> COMMITMENT 2017 DEC - 8 PM 11:00 AM
	Be imprisoned for 3 years _____ months _____ days	At level 5		
	Level 5 Treatment:			
	<input checked="" type="checkbox"/> Min. Mandatory time: 34W	<input type="checkbox"/> Credit For: _____	<input type="checkbox"/> No Credit Time Due	

IMPRISONMENT / PROBATION	<input type="checkbox"/> Suspended Immediately	<input type="checkbox"/> Suspended for _____
	<input type="checkbox"/> Suspended After _____	<input type="checkbox"/> for _____ at level _____ Crest / Work Rel / Home conf / VOP center
	<input type="checkbox"/> Suspended After _____	<input type="checkbox"/> for _____ at level _____ Crest / Work Rel / Home conf / VOP center
	<input type="checkbox"/> Suspended After _____	<input type="checkbox"/> for _____ at level _____ Crest / Work Rel / Home conf / VOP center

Followed by: \_\_\_\_\_ at level \_\_\_\_\_ Balance at level \_\_\_\_\_

Consecutive to: \_\_\_\_\_  Concurrent with: \_\_\_\_\_

Level 4 Sentence hold at: 3 4 5  Guilty but Mentally Ill, to be confined at Delaware Psychiatric Center (Delaware State Hospital) until competent.

RESTIT.	<input type="checkbox"/> TBD by AG _____ Days	(Victim)	1. _____ AMOUNT: \$ _____
	<input type="checkbox"/> Determined by ISO		2. _____ AMOUNT: \$ _____
	<input type="checkbox"/> Joint & Several w/co-def. ID No.		3. _____ AMOUNT: \$ _____

CONDITIONS	<input type="checkbox"/> All Terms and Conditions Re-imposed	<input type="checkbox"/> Residential Drug/Alcohol	<input type="checkbox"/> Parenting	<input type="checkbox"/> TIER LEVEL: _____ <input type="checkbox"/> SEX OFFENDER: Registration per 11 Del. C. § 4120-4122; 11 Del. C. § 4336. <input type="checkbox"/> 21 Del.C. § 2718 (Felony Only) <input type="checkbox"/> DNA Testing <input type="checkbox"/> HIV Testing
	<input type="checkbox"/> Pay costs, fines, restitution	<input type="checkbox"/> Outpatient Drug/Alcohol	<input type="checkbox"/> TASC Eval / Monit	
	<input type="checkbox"/> Previously Ordered	<input type="checkbox"/> 4177 DUI Program	<input type="checkbox"/> DVCC	
	<input type="checkbox"/> During Probation	<input type="checkbox"/> Alcohol Treatment	<input type="checkbox"/> DHSS Conditions	
	<input type="checkbox"/> During / Within _____	<input type="checkbox"/> Random Urinalysis	<input type="checkbox"/> Anger Management	
	<input type="checkbox"/> No Contact with: _____	<input type="checkbox"/> Zero Tolerance	<input type="checkbox"/> Obtain GED	
	<input type="checkbox"/> Drug Court Standard Conditions	<input type="checkbox"/> Mental Health Eval.	<input type="checkbox"/> Job Training	
	<input type="checkbox"/> Comm Serv: _____ Hrs	<input type="checkbox"/> Sub. Abuse Eval.	<input type="checkbox"/> Fully Employed	
	<input type="checkbox"/> No Driving Per Statute:	<input type="checkbox"/> No Drugs/Alcohol Unless Medically Prescribed.	<input type="checkbox"/> Forfeit: _____	

Mitigating/Aggravating: \_\_\_\_\_ SB 50: \_\_\_\_\_

Nolle Prosses entered on remaining charges.  
 Nolle Prosses entered on Criminal Action Number(s): \_\_\_\_\_

Other Conditions: \_\_\_\_\_

Fiqiali McCluskey Palladini Morgan



SENTENCING WORKSHEET

HRM

DEFENDANT	DEFENDANT NAME: AKA:	SBI: 420167
	Hakim Anderson	Date: 12/08/17
		Time:

CHARGE	ID NUMBER: 1508015476 B	DOB: 12/08/1984	Judge: MMX
	CHARGE: PFBPP/PFC	<input type="checkbox"/> No Injury or Death Pursuant to 21 Del. C. § 4205A: Defendants convicted under §4177B(e)(1)a-d; the terms of imprisonment defined in this title may be served at Level 4 as defined in 11 Del. C. §4204(c)(4).	
	LIO:		

FINANCIAL	Cr.A. 1N15-12-1176	BAC:	<input type="checkbox"/> 4214(a) <input type="checkbox"/> 4214(b)
	<input checked="" type="checkbox"/> Pay Costs <input type="checkbox"/> Costs Suspended	<input type="checkbox"/> PD Fee/Conflict <input type="checkbox"/> Surcharges <input type="checkbox"/> Diversion Fee <input type="checkbox"/> SARTEP <input type="checkbox"/> DELJIS Fee <input type="checkbox"/> Security Fee	<input type="checkbox"/> 15% <input type="checkbox"/> 18% <input type="checkbox"/> Pay Fine: \$ _____ <input type="checkbox"/> Amount Suspended \$ _____ <input type="checkbox"/> Transportation Surcharge: _____%

IMPRISONMENT / PROBATION	<input type="checkbox"/> VOP/Contempt <input type="checkbox"/> Revoked <input type="checkbox"/> Not Found <input type="checkbox"/> Continued <input type="checkbox"/> Modified <input type="checkbox"/> Discharged <input type="checkbox"/> Withdrawn <input type="checkbox"/> Dismissed		
	<input type="checkbox"/> Resent/Review <input type="checkbox"/> Boot Camp/ Diversion <input type="checkbox"/> Boot Camp <input type="checkbox"/> 4177(d)(5) <input type="checkbox"/> GSP		
	Effective: 9/23/15	Deferred DATE: _____	Facility _____
	Be imprisoned for 20 years _____ months _____ days At level 5		
	Level 5 Treatment:		

(CIRCLE ONE)  
 COMMITMENT  
 RELEASE  
 DEFERRED COMMITMENT  
 HONORARY  
 2017 DEC - 8 PM: 1:07

IMPRISONMENT / PROBATION	<input type="checkbox"/> Min. Mandatory time: 10 yr Title/Sec: _____	<input type="checkbox"/> Credit For: _____ <input type="checkbox"/> No Credit Time Due
	<input type="checkbox"/> Suspended Immediately	<input type="checkbox"/> Suspended for _____
	<input checked="" type="checkbox"/> Suspended After 10 yr	<input checked="" type="checkbox"/> for 2 yr at level 3
	<input type="checkbox"/> Suspended After _____	<input type="checkbox"/> for _____ at level _____
	<input type="checkbox"/> Suspended After _____	<input type="checkbox"/> for _____ at level _____

RESTIT.	<input type="checkbox"/> TBD by AG _____ Days <input type="checkbox"/> Determined by ISO <input type="checkbox"/> Joint & Several w/co-def. ID No.	(Victim) 1. _____ AMOUNT: \$ _____ 2. _____ AMOUNT: \$ _____ 3. _____ AMOUNT: \$ _____
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CONDITIONS	<input type="checkbox"/> All Terms and Conditions Re-imposed <input type="checkbox"/> Pay costs, fines, restitution <input type="checkbox"/> Previously Ordered <input type="checkbox"/> During Probation <input type="checkbox"/> During / Within _____ <input type="checkbox"/> No Contact with: _____	<input type="checkbox"/> Residential Drug/Alcohol <input type="checkbox"/> Outpatient Drug/Alcohol <input type="checkbox"/> 4177 DUI Program <input type="checkbox"/> Alcohol Treatment <input type="checkbox"/> Random Urinalysis <input type="checkbox"/> Zero Tolerance <input type="checkbox"/> Mental Health Eval. <input type="checkbox"/> Sub. Abuse Eval. <input type="checkbox"/> No Drugs/Alcohol Unless Medically Prescribed.	<input type="checkbox"/> Parenting <input type="checkbox"/> TASC Eval / Monit <input type="checkbox"/> DVCC <input type="checkbox"/> DHSS Conditions <input type="checkbox"/> Anger Management <input type="checkbox"/> Obtain GED <input type="checkbox"/> Job Training <input type="checkbox"/> Fully Employed <input type="checkbox"/> Forfeit: _____	<input type="checkbox"/> TIER LEVEL: _____ <input type="checkbox"/> SEX OFFENDER: Registration per 11 Del C. § 4120-4122; 11 Del C. § 4336. <input type="checkbox"/> 21 Del.C. § 2718 (Felony Only) <input type="checkbox"/> DNA Testing <input type="checkbox"/> HIV Testing
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Mitigating/Aggravating:	SB 50:	<input checked="" type="checkbox"/> Nolle Prosses entered on remaining charges. <input type="checkbox"/> Nolle Prosses entered on Criminal Action Number(s):	Other Conditions:
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November 19, 2007

J. J. ... McCristin ... Pallakine ... McClean ...