



IN THE SUPREME COURT FOR THE STATE OF DELAWARE

SHAMAYAH THOMAS
Appellant,

v.

THE STATE OF DELAWARE
Appellee.

* Case No.: 268,2022
*
* Court Below: Superior Court for
* the State of Delaware
*
* Date: 1/30/2023
*
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*

APPELLANT'S FIRST AMENDED OPENING BRIEF

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NATURE OF THE PROCEEDINGS

This appeal consists of the appeal by Shamayah Thomas (“Mr. Thomas”) to the Delaware Supreme Court of the State of Delaware following an order of the Superior Court of the State of Delaware in and for New Castle County, by the Honorable Eric M. Davis, dated August 4, 2022. The trial, which began October 25, 2021 and concluded October 27, 2021 resulted in his conviction for stalking and related charges.

SUMMARY OF THE ARGUMENT

1. The trial court erred when it categorized the “Pink iPhone” warrant as an overly broad warrant, as opposed to a general warrant and as a result, Mr. Thomas was unjustly convicted. Evidence obtained from the general warrant was then used to secure convictions, thus infringing upon Mr. Thomas’ Constitutional right to be free from unreasonable searches and seizures. Mr Thomas is requesting that the general warrant be EXCLUDED and his case be remanded to lower court for a NEW TRIAL.
2. The trial court failed to adequately address Mr. Thomas’ Motions to Dismiss and/or Appoint New Counsel when it failed to make a thorough inquiry into the substance of his Motions. The trial court disregarded Mr. Thomas’ concerns by failing to circulate the Motion to Defense Counsel and only addressed his Motion after being tried and convicted. As a result, Mr. Thomas is requesting that his convictions be REVERSED and his case be remanded to lower court for a NEW TRIAL.

STATEMENT OF THE FACTS

On January 18, 2020, officers responded to 7 Carnaby Hall, Newark, Delaware and executed an arrest warrant for Mr. Shamayah Thomas (hereinafter “Mr. Thomas”). (Appx053). Officers were able to locate Mr. Thomas and took him into custody. (*Id.*). On March 3, 2020, the State prosecutors office indicted Mr. Thomas (Appx001) and a Scheduling order was filed, setting the first day of trial for October, 25, 2021. (Appx004).

On November 13, 2020, the Court received Mr. Thomas’ pro se Motion to Dismiss Current Counsel and/or Appoint New Counsel and Motion for Reduction of Bond (hereinafter “Motions”). (Appx003). The Honorable Eric M. Davis (hereinafter “Judge Davis”) responded to Mr. Thomas’ Motions with a letter explaining that the Motions would be denied due to Del. R. Crim. P. 47, which states that without permission to participate in his trial, the court would not consider any of Mr. Thomas’ Motions because he was represented by an attorney. (*Id.*) Furthermore, Judge Davis informed Mr. Thomas that there was an upcoming Suppression Hearing in which “the court will address any concerns you have regarding representation.” (*Id.*). However, the court did not address Mr. Thomas’ concerns with representation at the Suppression Hearing, but waited until Mr. Thomas was tried and convicted to address the Motions. (Appx304).¹

¹Question Presented Preserved

On August 11, 2021, Mr. Thomas, defense counsel Monica Germono (hereinafter “Defense”) and State prosecutor Renee Hrivnak (hereinafter “State”) met before Judge Davis to discuss Mr. Thomas’s motion to suppress evidence the State intended to introduce at trial. (Appx044). The motion to suppress contained two main arguments; that the “pink iPhone” was improperly seized and that the search warrant issued was a general warrant allowing the collection of evidence beyond a permissible scope.² (Appx047). Judge Davis expressed he was struggling with the Defense’s “seizure” argument because the cell phone, which was a suspected implement of the crime, was sitting in plain view at the time of arrest, eliminating the need for a search warrant. (Appx048). Additionally, Judge Davis had a different understanding of Defense’s “scope” argument, primarily due to the relatively new case law on search warrants and cell phones. (Appx049).

Mr. Thomas’s position was that the warrant issued to effectuate the search on the cell phone was a “top to bottom” search, authorizing the State to search and use any information found on the phone. (*Id.*). Recognizing the expansive search, Judge Davis proposed a solution, suggesting that he should be able to suppress all the data collected outside the permissible scope of the warrant. (*Id.*). The Defense attempted to inform the court that cell phone searches are viewed differently than regular searches because of the amount of information contained on cell phones

² Question Presented Preserved

(Id) and these specific search warrants contained language that permitted the search of all areas of the cell phone. (Appx050). As a result of these warrants, the State extracted approximately 16,000 pages of data from the cell phone. (Appx051).

To get a further understanding of the cell phone seizure incident to arrest, as well as the “phone dump” data collection, the court heard from Detective Sergeant Ernest Melvin and (Appx053) Detective Roberto Herrera Cortes (Appx057) respectfully. At the end of the hearing, Judge Davis was still unclear about the standard applied to cell phones and hesitant to accept that there may be a different standard as compared to a house or car. (Appx062)

On October 19, 2021, the parties met again, via Zoom, for a status conference regarding the admissibility of the challenged evidence. (Appx064). As to the collection of the cell phone, Judge Davis ruled “the police did not need a search warrant to seize Mr. Thomas’s pink iPhone, as it was the instrumentality of his crimes, it was a seizure incident to a lawful arrest, and it was in plain view.” (Appx067). As to Defense’s argument that the warrant was a “general warrant”, Judge Davis found that “the warrant is not a general warrant” but that “the warrant is overly broad” and as such “the Court [would] restrict the evidence to that evidence supported by probable cause found in the four corners of the warrant.” (Appx068). To support this decision, the court defined “general warrants”, as

explained in Taylor v. State (Appx069) and compared how courts are supposed to handle them as compared to “overly broad” warrants (Appx070). The court then cited specific language regarding the search of an “iPhone XR” cell phone and “Pink iPhone XR” cell phone warrants (*Id.*) and found that although probable cause existed, the “time dates were way too broad” and search of “any and all text messages” was improper. (Appx072). Consequently, Judge Davis limited the warrants scope on text messages to January 1, 2020 through January 18, 2020. (*Id.*) Judge Davis, however, did not limit the scope of the warrant as to photographs or videos. (*Id.*)

On October 26, 2021, the State was in their second day of presenting their case in chief and had already begun calling witnesses and moving exhibits into evidence. (Appx110-11). The State then called Roberto Herrera-Cortes, a detective with the New Castle County Police Department. (Appx142). Herrera-Cortes explained that he was the officer who drafted the search warrant for the “pink iPhone” (Appx144) and that he was also tasked with going through the cell phone extraction (Appx146). The State presented Herrera-Cortes with States Exhibit 15, which showed a text exchange from the “pink iPhone” to another number. (Appx162). The State then produced what had previously been marked as States Exhibit 2, screenshots provided by an alleged victim of Mr. Thomas, and asked Herrera-Cortes to read the messages from both exhibits in order to establish that

the texts were being sent from the “pink iPhone” to the victims cell phone. (Appx163).

Later that day, after the State and Defense had rested, both parties presented their closing arguments. (Appx248). In its closing argument, specifically in reference to Counts IV (Felony Non Compliance with Bond) and IX (Harassment), the State reasoned that the court should find Mr. Thomas guilty because the evidence gathered from the “pink iPhone” dump, admitted as States Exhibit 15, verified Mr. Thomas was contacting and harassing the alleged victim. (Appx264, Appx266).

The following day, October 27, 2021, Judge Davis entered the bench ruling. (Appx280). As to Count IV, Judge Davis found that Exhibit 15, in conjunction with Exhibit 2, demonstrated there was a violation of the noncompliance with bond and found Mr. Thomas guilty. (Appx291). As to Count IX, also in his review of Exhibits 15 and 2, Judge Davis found beyond a reasonable doubt that Mr. Thomas was guilty of Harassment. (Appx292).

On July 7, 2022, the parties reconvened for Mr. Thomas’ Sentencing. (Appx303). Before sentencing began, the Defense addressed the court, explaining that the State had just recently provided her with a copy of the Motions which were filed on or around September 22, 2020. (Appx304). According to the Defense, “I was not copied on any of this correspondence. This is the first time I’m learning

about it.” (*Id.*). Once Mr. Thomas was brought into the courtroom, Judge Davis asked Mr. Thomas if he wished to have the Defense continue to represent him, to which he replied “[f]or sentencing, it’s just a sentencing, so I guess I have no choice”. (*Id.*). The court informed Mr. Thomas he did have a choice and sat in recess while Defense spoke with Mr. Thomas about his options. When court resumed, Judge Davis told Mr. Thomas and the Defense that he did not have the Motions in his file, that they should have been addressed at the case review and that he “wasn’t involved” with the handling of the Motions. (Appx305). Nonetheless, Mr. Thomas responded to the court's question regarding his representation by answering “[f]or sentencing I’d rather keep her”. (*Id.*)

ARGUMENT

- I. The trial court erred when it categorized the “Pink iPhone” warrant as an overly broad warrant, as opposed to a general warrant and as a result, Mr. Thomas was unjustly convicted.**

QUESTION PRESENTED

Should a warrant that fails to set particular boundaries for the dates to search a cell phone and uses all encompassing language be deemed a general warrant and thus exclude all evidence collected in its execution for use at trial?³

STANDARD OF REVIEW

The Delaware Supreme Court reviews questions of law “de novo”. The admissibility of a warrant is a question of law, not a question of fact or discretion. Moreover, issues of constitutional dimension are reviewed “de novo”. Therefore, this Court should apply the “de novo” standard of review.

MERITS OF THE ARGUMENT

The Fourth Amendment to the United States Constitution and Article I, Section 6 of the Delaware Constitution provide that “warrants must be supported by a showing of probable cause.” *Buckham v. State*, 185 A.3d 1, 16 (Del. 2018). A warrant must “describe the things to be searched with sufficient particularity and be no broader than the probable cause on which it is based.” *Id.* at 18. Moreover,

³ Question presented preserved - APPX304

“an affidavit in support of a search warrant must, within the four-corners of the affidavit, set forth facts adequate for a judicial officer to form a reasonable belief that an offense has been committed and the property to be seized will be found in a particular place.” *LeGrande v. State*, 947 A.2d 1103, 1108 (Del. 2008). Therefore, these requirements ensure that “those searches deemed necessary are as limited as possible” and eliminate “exploratory rummaging in a person’s belongings.”

Buckham v. State, 185 A.3d at 18. Warrants issued to search electronic devices call for particular sensitivity given the “enormous potential for privacy violations.” *Id.*

Smartphones store an “unprecedented volume of private information and an in-depth search of one can permit the government access to ‘far more than the most exhaustive search of a house.’” *Id.* Cell phone search warrants must state with “particularity the information to be seized and the nexus between this information and the crime.” *State v. Johnson*, No. 1810000819, 2019 WL 6903997, *6 (Del. Super. Ct. Dec. 18, 2019). Therefore, “incriminating and illegally obtained evidence derived from illegal police conduct - termed the “fruit of the poisonous tree” - must be excluded from the evidence at trial. *Roy v. State*, 62 A.3d 1183, 1189 (Del. 2012). Civil Rule 59(e) allows the Court to reconsider "its findings of fact, conclusions of law, or judgment. . . ." *Hessler Inc. v. Farrell*, 260 A.2d 701, 702 (Del. 1969). However, because "Delaware law places a heavy burden on a [party] seeking relief” *Kostyshyn v. Comm'rs of Bellefonte*, 2007 Del. Super.

LEXIS 532, 2007 WL 1241875, at * 1 (Del. Super. Apr. 27, 2007), an appellant must demonstrate that the trial court “overlooked a controlling precedent or legal principle, or the Court has misapprehended the law or facts such as would have changed the outcome of the underlying decision.” *Bd. of Managers of Del. Criminal Justice Info. Sys. v. Gannett Co.*, 2003 Del. Super. LEXIS 27, 2003 WL 1579170, at *1 (Del. Super. Jan. 17, 2003). Where there is no new evidence or newly established law, the appellant must show that the trial court’s decision resulted in a “manifest injustice” *E.I. du Pont de Nemours & Co. v. Admiral Ins. Co.*, 711 A.2d 45, 55 (Del. Super. 1995).

A. The warrant issued for the search of Mr. Thomas’s “pink iPhone” was a general warrant; thus, the evidence gathered from its execution should have been suppressed.

A “general warrant,” prohibited by the Fourth Amendment, “authorizes a general exploratory search through a person’s belongings without specifying the particular items to be seized.” *Myers v. Med. Ctr. of Delaware, Inc.*, 86 F.Supp.2d 389, 401 (D. Del. 2000). The particularity requirement prevents the issue of general warrants that may be “overly intrusive and not narrowly tailored to their justifications.” *State v. Holmes*, No. 1909006430, 2022 WL 4353455 *10 (Del. Super. Ct. Sept. 9, 2022). There is a substantial risk that “warrants for electronic devices could take on the character of “general warrants” that the Fourth Amendment was designed to prohibit. *State v. Johnson*, No. 1810000819, 2019

WL 6903997, at *6. The requirement for search warrant specificity is to prevent general exploratory searches and to “leave as little as possible to the discretion of the officer executing the warrant.” U.S. Const. amend. IV. Given the “substantial” risk that “warrants for electronic devices may take on the character of ‘general warrants,’” “this reality necessitates heightened acuity, on the part of the judiciary to guard against unjustified invasions of privacy.” *Taylor v. State*, 260 A.3d 602, 613 (Del. 2021). Thus, the Fourth Amendment seeks to prevent these broad searches because they are an “unreasonable and unwarranted intrusion into a person’s privacy.” *Myers v. Med. Ctr. of Delaware, Inc.*, 86 F.Supp.2d at 401.

1. The messages taken from Thomas’ pink iPhone should be suppressed and considered as “fruit of the poisonous tree” because the warrant executed was a general warrant.

Here, the Court should suppress the messages on Thomas’ pink iPhone because the warrant was a general warrant. Generic classifications in a warrant are acceptable “only when a more precise description is not possible.” *Wheeler v. State*, 135 A.3d 282, 305 (Del. 2016). This warrant should not have been issued because it allowed the judiciary officer to conduct a general exploratory search through Thomas’ belongings without specifying the particular items to be seized. Information that is not included in the warrant, such as the limitations and scope, creates a limitless investigation by the State. (Appx049). Admittedly, due to the “unprecedented volume of private information stored on [such] devices”, judicial

officers may find it difficult to construct the confines of a warrant to that which is probably relevant to their investigation. *Wheeler*, 135 A.3d at 299. However, this should not serve as an excuse to permit unreasonably expansive searches into a suspect's personal property. *Riley v. California*, 134 S. Ct. 2473, 2485 (2014). In fact, it is the very nature of these devices that necessitate a much greater privacy concern. *Id.* After all, it is well established that legitimate and particularized warrants serve “‘an important working part of our machinery of government,’ not merely ‘an inconvenience to be somehow ‘weighed’ against the claims of police efficiency.’” *Id.* at 2493.

At the Suppression Hearing, the Defense raised many concerns about the scope of the “Pink iPhone” warrant, namely that it was not particular enough to prohibit the investigating officers from a limitless search of Mr. Thomas’s private information. (Appx049-51). The warrant, which was issued after the seizure of the cell phone, used encompassing language, such as “any” and “no limitation” to allow the extraction officers to perform a cell phone “dump”, as if they were opening a container and shaking out its contents. (Appx036). Judge Davis, recognizing the problem, attempted to remedy the problem by proscribing more appropriate search dates (Appx049, Appx072). Despite this, however, the State maintained that they would still look at, inventory, and prepare for use any and all information outside of the scope of both warrants (initial and newly limited) in

case they needed to use it after their case in chief. (Appx052). This practice, which the State argues is beyond their control (*Id.*), does little to protect Mr. Thomas' right to be secure in his personal effects and is in direct controversy with decades of well established fourth amendment warrant law. *See Riley v. California*, 573 U.S. 373, 134 S. Ct. 2473 (2014)(holding that the immense storage capacity of modern cell phones implicated privacy concerns with regard to the extent of information which could be accessed on the phones.) Nevertheless, Judge Davis and the State were satisfied that the new scope of the warrant would protect Mr. Thomas from such privacy infringements and allow only for the collection and use of relevant information at trial. Unfortunately, due to the lack of particularity in the initial warrant, Judge Davis's remedial measures simply disguised what should have properly been deemed a "general warrant", allowing for the collection of evidence subsequently used to obtain Mr. Thomas's convictions. After all, if Judge Davis, or the magistrate before him, had properly excluded all evidence collected from the "Pink iPhone", the State would not have been able to support two specific charges; Count IV Felonious Noncompliance with Bond, carrying a two year sentence (Appx291) and Count VI Harassment, carrying a one year sentence. (Appx292).

Correspondingly, Mr. Thomas requests that this Court find that the initial "Pink iPhone" warrant to be a general warrant, not an overly broad warrant,

exclude the evidence obtained in its execution and remand to the lower court for a new trial.

ARGUMENT

- II. The trial court failed to adequately address Mr. Thomas’ Motions to Dismiss and/or Appoint New Counsel when it failed to make a thorough inquiry into the substance of his Motions.**

QUESTION PRESENTED

Should an appellant’s convictions be reversed when he expresses his concerns in a Motion to Dismiss and/or Appoint New Counsel and the trial court fails to circulate his Motion or address them in a formal proceedings before trying and convicting that individual?⁴

STANDARD OF REVIEW

The Delaware Supreme Court reviews questions of law “de novo”. The admissibility of a warrant is a question of law, not a question of fact or discretion. Moreover, issues of constitutional dimension are reviewed “de novo”. Therefore, this Court should apply the “de novo” standard of review.

MERITS OF THE ARGUMENT

The right to counsel is “protected under the United States Constitution.” *Morrison v. State*, 135 A.3d 69, 71 (Del. 2016). Thus, it is well-established that “criminal defendants have a constitutional, Sixth Amendment right to waive counsel and continue pro se if they do so knowingly, intelligently, and voluntarily.” *Smith v. State*, 996 A.2d 786, 790 (Del. 2010). A determination of whether a

⁴ Question presented preserved - APPX047

defendant has intelligently waived the right to counsel depends upon “the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the defendant.” *Id.* Therefore the trial judge must “make a thorough inquiry and . . . take all steps necessary to ensure the fullest protection of this constitutional right.” *Morrison*, A.3d at 73. The failure of a trial court to “substantially adhere to these guidelines requires the conviction(s) to be reversed and the matter remanded for a new trial.” *Id.* at 73.

A. Mr. Thomas’ Motions were legitimate and had they been considered, the outcome of his trial may have been different.

Mr. Thomas, a criminal defendant, has a constitutional, Sixth Amendment right to waive counsel and continue pro se if he does so knowingly, intelligently, and voluntarily. On March 17, 2022, Mr. Thomas contacted Judge Davis regarding his previously filed Motion to Dismiss Current Counsel and/or Appoint New Counsel. (Appx033). Mr. Thomas summarized his concerns about the Defense’s representation and emphasized that his number one issue with Attorney Germono was communication. (Appx033). Mr. Thomas sent several letters and left multiple voicemails to the Defense counsel's office, but he did not receive a response. (Appx033). Mr. Thomas states that if he had received the items he requested from her office before trial (discovery items, pretrial motions, and suppression hearing transcripts), he would have had an adequate defense, resulting in a different outcome at trial. (Appx033). However, Mr. Thomas’ concerns were filed with the

prothonotary's office and never formally addressed in court. (Appx030). In fact, it was indicated at sentencing, on July 7, 2022, that the Defense did not receive Mr. Thomas' motion. (Appx304). She received a copy of the motion from the State yet was unaware of Mr. Thomas' wishes before receiving that copy. (Appx305). Moreover, Judge Davis also indicated that he did not have a copy in his file. (Appx304). The standard procedure requires the prothonotary to make a copy of the motion and send it directly to defense counsel, in this case, the Defense, yet she did not have it in her possession. (Appx305). As indicated, the trial court did not substantially adhere to this mandated procedure which caused the Defense to be oblivious to Mr. Thomas' Motion to Dismiss Current Counsel and/or Appoint New Counsel. Due to this procedural failure, Mr. Thomas requests that this matter be remanded for a new trial.

CONCLUSION

On August 4, 2022, Mr. Thomas was sentenced for stalking and other related convictions. Among those convictions were counts for Felonious Noncompliance with Bond and misdemeanor Harassment. Before trial began, the Mr. Thomas filed a Motion to Dismiss Current Counsel and/or Appoint New Counsel, which was unfairly dismissed and ignored until after he had been tried and convicted. Also before the trial, Mr. Thomas sought to suppress a warrant issued to search a “Pink iPhone” as it was a general warrant and permitted a “top to bottom” search of his personal effects. This motion, too, was denied in part, allowing for fruits of that search to be used against him at trial. Further, this evidence was used to secure convictions for Felonious Noncompliance with Bond and Harassment.

Mr. Thomas requests this Court review the record “de novo” and find that the trial court’s failure to inquire into the substance of his Motions, as well as their failure to exclude the “Pink iPhone” warrant requires them to reverse his convictions and remand to the lower court for a new trial.

IN THE SUPREME COURT FOR THE STATE OF DELAWARE

SHAMAYAH THOMAS
Appellant,

v.

THE STATE OF DELAWARE
Appellee.

* Case No.: 268,2022
*
*
* Court Below: Superior Court for
* the State of Delaware
*
* Date: 2/14/2023
*
*
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**CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENT AND
TYPE-VOLUME REQUIREMENT**

1. This motion complies with the typeface requirement of Rule 13(a)(i) because it has been prepared in Time New Roman 12-point typeface using Microsoft Word 14.7.7.
2. This brief complies with the type-volume limitation of Rule 14(d)(i) because it contains 3790 words, which were counted by Microsoft Word 14.7.7 processing program.

Dated: February 14, 2023

THE JOHNSON FIRM, LLC



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704 N. King Street, Ste. 205
Wilmington, DE 19801
Attorney for Plaintiff



STATE OF DELAWARE

VS.

SHAMAYAH B THOMAS

Alias: See attached list of alias names.

DOB: 10/16/1994
SBI: 00680046

CASE NUMBER:
N1909006727
N2001007661
N2001006118
N2001006417

IN AND FOR NEW CASTLE COUNTY
CRIMINAL ACTION NUMBER:

IN20-03-0211
AGG.ACT/INTIMI.(F)
IN20-02-0687
AGG.ACT/INTIMI.(F)
IN20-03-0210
STALKING(F)
IN20-02-1124
NONC W/CON BOND(F)
IN20-02-0680
NONC W/CON BOND(F)
IN20-03-0212
TERROR THREAT(M)
IN20-02-0682
TERROR THREAT(M)
IN20-02-0683
TERROR THREAT(M)
IN20-03-0358
CRIM CONTEMPT(M)
IN20-03-0337
CRIM CONTEMPT(M)
IN20-02-0685
HARASSMENT(M)
IN20-03-0351
CRIM CONTEMPT(M)
IN20-03-0355
CRIM CONTEMPT(M)

COMMITMENT

Nolle Prosequi on all remaining charges in this case
ALL SENTENCES OF CONFINEMENT SHALL RUN CONSECUTIVE

CORRECTED SENTENCE ORDER

NOW THIS 1ST DAY OF AUGUST, 2022, IT IS THE ORDER OF THE
COURT THAT: THE ORDER DATED July 22, 2022 IS HEREBY
CORRECTED AS FOLLOWS:

The defendant is adjudged guilty of the offense(s) charged.
The defendant is to pay the costs of prosecution and all
APPROVED ORDER 1 August 1, 2022 11:17

'STATE OF DELAWARE

VS.

SHAMAYAH B THOMAS

DOB: 10/16/1994

SBI: 00680046

statutory surcharges.

AS TO IN20-03-0211- : TIS
AGG.ACT/INTIMI.

Effective January 18, 2020 the defendant is sentenced
as follows:

- The defendant is placed in the custody of the Department
of Correction for 10 year(s) at supervision level 5 with
credit for 14 day(s) previously served

- Suspended after 4 year(s) at supervision level 5

- For 2 year(s) 6 month(s) supervision level 4 DOC
DISCRETION

- Suspended after 6 month(s) at supervision level 4 DOC
DISCRETION

- For 2 year(s) supervision level 3

- Hold at supervision level 5

- Until space is available at supervision level 4

- The Court has concluded that Defendant is in need of
correctional treatment.

- Defendant to be assessed at Level by DOC using an
objective verified tool for risk/needs/responsivity for
placement in programming at Level to address offender's
criminogenic risk and treatment needs.

- If the defendant is deemed appropriate for treatment
defendant shall fully participate in and successfully
complete any treatment or programming recommended or
required.

Probation is concurrent to any probation now serving.

AS TO IN20-02-0687- : TIS
AGG.ACT/INTIMI.

- The defendant is placed in the custody of the Department
of Correction for 10 year(s) at supervision level 5

- Suspended after 4 year(s) at supervision level 5

APPROVED ORDER

2

August 1, 2022 11:17

'STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

- For 2 year(s) supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-03-0210- : TIS
STALKING

- The defendant is placed in the custody of the Department of Correction for 2 year(s) at supervision level 5

- Suspended for 2 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-02-1124- : TIS
NONC W/CON BOND

- The defendant is placed in the custody of the Department of Correction for 2 year(s) at supervision level 5

- Suspended after 1 year(s) at supervision level 5

- For 1 year(s) supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-02-0680- : TIS
NONC W/CON BOND

- The defendant is placed in the custody of the Department of Correction for 2 year(s) at supervision level 5

- Suspended after 1 year(s) at supervision level 5

- For 1 year(s) supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-03-0212- : TIS
TERROR THREAT

The defendant is to pay a fine in the amount of \$100.00 plus all surcharges and fees (see attachment).

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

APPROVED ORDER 3 August 1, 2022 11:17

STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

AS TO IN20-02-0682- : TIS
TERROR THREAT

The defendant is to pay a fine in the amount of \$100.00 plus all surcharges and fees (see attachment).

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-02-0683- : TIS
TERROR THREAT

The defendant is to pay a fine in the amount of \$100.00 plus all surcharges and fees (see attachment).

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

AS TO IN20-03-0358- : TIS
CRIM CONTEMPT

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-03-0337- : TIS
CRIM CONTEMPT

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-02-0685- : TIS
HARASSMENT

The defendant is to pay a fine in the amount of \$100.00 plus all surcharges and fees (see attachment).

STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-03-0351- : TIS
CRIM CONTEMPT

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

AS TO IN20-03-0355- : TIS
CRIM CONTEMPT

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 3

Probation is concurrent to any probation now serving.

SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

CASE NUMBER:
1909006727
2001007661
2001006118
2001006417

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Have no contact with the victim(s) Andrea Smith , the victim's family or residence.

Have no contact with the victim(s) Spencer Matthews , the victim's family or residence.

Defendant shall receive mental health evaluation and comply with all recommendations for counseling and treatment deemed appropriate.

Participate and complete a certified domestic violence intervention program.

Pursuant to 29 Del.C. 4713(b)(2), the defendant having been convicted of a Title 11 felony, it is a condition of the defendant's probation that the defendant shall provide a DNA sample at the time of the first meeting with the defendant's probation officer. See statute.

Perform 100 hour(s) of community service during the probationary period.

For the purposes of ensuring the payment of costs, fines, restitution and the enforcement of any orders imposed, the Court shall retain jurisdiction over the convicted person until any fine or restitution imposed shall have been paid in full. This includes the entry of a civil judgment pursuant to 11 Del.C. 4101 without further hearing.

NOTES

corrected order
APPROVED ORDER

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STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

It is so ordered on this 1st day of August, 2022, it is so ordered that this order is hereby corrected to reflect that the Non Comp with Bond charges were corrected to the 2 years at level 5 suspended after 1 year level 5 for 1 year at level 3.

cr# IN20-02-1124
cr# IN20-02-0680

JUDGE ERIC M DAVIS

APPROVED ORDER

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FINANCIAL SUMMARY

STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

CASE NUMBER:
1909006727
2001007661
2001006118
2001006417

SENTENCE CONTINUED:

TOTAL DRUG DIVERSION FEE ORDERED	
TOTAL CIVIL PENALTY ORDERED	
TOTAL DRUG REHAB. TREAT. ED. ORDERED	
TOTAL EXTRADITION ORDERED	
TOTAL FINE AMOUNT ORDERED	600.00
FORENSIC FINE ORDERED	
RESTITUTION ORDERED	
SHERIFF, NCCO ORDERED	45.00
SHERIFF, KENT ORDERED	
SHERIFF, SUSSEX ORDERED	
PUBLIC DEF, FEE ORDERED	400.00
PROSECUTION FEE ORDERED	400.00
VICTIM'S COM ORDERED	118.00
VIDEOPHONE FEE ORDERED	13.00
DELJIS FEE ORDERED	13.00
SECURITY FEE ORDERED	150.00
TRANSPORTATION SURCHARGE ORDERED	150.00
FUND TO COMBAT VIOLENT CRIMES FEE	225.00
SENIOR TRUST FUND FEE	
AMBULANCE FUND FEE	

APPROVED ORDER

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' STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

TOTAL 2,114.00

APPROVED ORDER

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SURCHARGES

STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

CASE NUMBER:
1909006727
2001007661
2001006118
2001006417

<u>CRIM ACTION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
IN20-03-0212	TRANSPORTATION	50.00
IN20-03-0212	VCF	18.00
IN20-02-0682	TRANSPORTATION	50.00
IN20-02-0682	VCF	18.00
IN20-02-0683	TRANSPORTATION	50.00
IN20-02-0683	VCF	18.00
IN20-03-0337	VCF	10.00
IN20-02-0685	VCF	18.00

APPROVED ORDER

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LIST OF ALIAS NAMES

STATE OF DELAWARE
VS.
SHAMAYAH B THOMAS
DOB: 10/16/1994
SBI: 00680046

CASE NUMBER:
1909006727
2001007661
2001006118
2001006417

SHAMAYAH THOMAS
SHAMAYA H THOMAS
SHAMAYA THOMAS
SHAMAYAH YTHOMAS