



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

<b>EZEKIEL TAMBA,</b>	)	
	)	
<b>Defendant-Below,</b>	)	
<b>Appellant,</b>	)	
	)	<b>No. 220, 2023</b>
<b>v.</b>	)	
	)	
<b>STATE OF DELAWARE,</b>	)	<b>On Appeal from the Superior</b>
	)	<b>Court of the State of</b>
<b>Plaintiff-Below,</b>	)	<b>Delaware in and for</b>
<b>Appellee.</b>	)	<b>New Castle County</b>

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**FROM THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

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**APPELLANT'S REPLY BRIEF**

/s/ James J. Haley, Jr.  
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**Defendant Below-Appellant**

**Dated: November 28, 2023**

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## ARGUMENT

**In its Answering Brief, the State argues that Teleka Brooker-Parquet's statement to Detective DiNardo, describing the shooter, was non-testimonial because "Detective DiNardo was responding to an emergency situation and gathering information." (Answering Brief, p.14) Further, the State submits that "The fact that Detective DiNardo did not broadcast Brooker-Parquet's description of the suspect over the radio is of no moment." (Answering Brief, p. 15)**

**Detective DiNardo's failure to broadcast Brooker-Parquet's description of the suspect over the radio is telling. That failure establishes that Detective DiNardo's purpose was primarily investigative, aimed at preserving Brooker-Parquet's recollections for further use at trial, not for apprehension of a fleeing suspect. As such, Brooker-Parquet's statement had a testimonial value and should have been treated as such by the Superior Court, requiring exclusion of Brooker-Parquet's statement, because she was not subject to cross-examination.**

**Additionally, regarding Jael Peralta's testimony that Theodosia Kollie expressed concern that Tamba may have used her gun, Kollie's concern was nothing more than speculation and projection on her part**

**and did not have any probative value on the question of whether Tamba had committed the shooting. Instead, Kollie's concern invited the jury to infer that Kollie had surmised that Tamba had done the shooting, and she was worried that Tamba may have used her gun. The statement should have been excluded given its reliance on complete speculation.**

**The Court's errors in admitting evidence accumulated to prejudice Tamba's right to a fair trial.**

**CONCLUSION**

**For all of the foregoing reasons, this matter should be reversed and remanded.**

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**CERTIFICATE OF SERVICE**

I, James J. Haley, Jr., attorney for Appellant, do hereby certify that I caused the attached Appellant's Reply Brief to be served by File & ServeXpress on November 28, 2023 upon:

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**CERTIFICATION OF COMPLIANCE WITH TYPEFACE  
REQUIREMENT AND TYPE-VOLUME LIMITATION**

- 1. This brief complies with the typeface requirement of Rule 13(a)(i) because it has been prepared in Times New Roman 14-point typeface using Microsoft Office, Home and Business 2016, Version 16.0.7167.2040.**
- 2. This brief complies with the type-volume limitation of Rule 14 (d)(i) because it contains 285 words, which were counted by Microsoft Office, Home and Business 2016, Version 16.0.7167.2040.**

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