



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

**DARYL BALDWIN,** )  
Defendant Below- )  
Appellant, )  
v. )  
STATE OF DELAWARE, )  
Plaintiff Below- )  
Appellee. )

ON APPEAL FROM THE SUPERIOR COURT  
OF THE STATE OF DELAWARE

## **STATE'S ANSWERING BRIEF**

John Williams (#365)  
Deputy Attorney General  
Department of Justice  
102 West Water Street  
Dover, DE 19904-6750  
(302) 739-4211 (ext. 3285)  
[JohnR.Williams@delaware.gov](mailto:JohnR.Williams@delaware.gov)

DATE: October 9, 2025

## TABLE OF CONTENTS

|  | <b>PAGE</b> |
|--|-------------|
| Table of Citations .....   | ii          |
| Nature and Stage of the Proceedings .....  | 1           |
| Summary of the Argument.....   | 2           |
| Statement of Facts.....  | 3           |
| Argument   |             |
| I.    THE EVIDENTIARY RULE OF COMPLETENESS DOES<br>NOT OVERRIDE THE PROTECTIONS OF THE<br>DELAWARE RAPE SHIELD LAW ..... | 9           |
| Conclusion .....   | 24          |

## **TABLE OF CITATIONS**

### **Cases**

|  |           |
|--|-----------|
| <i>Ayers v. State</i> , 844 A.2d 304 (Del. 2004) .....                       | 21        |
| <i>Banther v. State</i> , 823 A.2d 467 (Del. 2003) .....                     | 18        |
| <i>Burke v. State</i> , 484 A.2d 490 (Del. 1984).....                        | 21        |
| <i>Burrell v. State</i> , 332 A.3d 412 (Del. 2024).....                      | 9         |
| <i>Flamer v. State</i> , 953 A.2d 130 (Del. 2008).....                       | 21        |
| <i>Floudiotis v. State</i> , 726 A.2d 1176 (Del. 1999).....                  | 21        |
| <i>Hines v. State</i> , 248 A.3d 92 (Del. 2021).....                         | 9         |
| <i>Massey v State</i> , __A.3d __, 2025 WL 2536692 (Del. Sept. 4, 2025)..... | 9, 19, 20 |
| <i>McNair v. State</i> , 990 A.2d 398 (Del. 2010).....                       | 9         |
| <i>Scott v. State</i> , 642 A.2d 767 (Del. 1994) .....                       | 19        |
| <i>State v. Condon</i> , 2003 WL 1364619 (Del. Super. Mar. 13, 2003) .....   | 20        |
| <i>Thompson v. State</i> , 205 A.3d 827 (Del. 2019).....                     | 9, 19, 21 |
| <i>Wright v. State</i> , 513 A.2d 1310 (Del. 1986) .....                     | 19, 20    |

### **Other Authorities**

|                        |       |
|------------------------|-------|
| 11 Del C. §761(e)..... | 4, 17 |
|------------------------|-------|

|                                |        |
|--------------------------------|--------|
| 11 <i>Del. C.</i> § 3508 ..... | passim |
| 11 <i>Del. C.</i> § 3509 ..... | passim |
| D.R.E. 106.....                | passim |
| D.R.E. 403.....                | passim |

## **NATURE AND STAGE OF THE PROCEEDINGS**

Appellee, the State of Delaware, generally adopts the Nature and Stage of the Proceedings as contained in Appellant Daryl Baldwin's September 11, 2025 Opening Brief.

This is the State's Answering Brief in opposition to Baldwin's direct appeal.

## **SUMMARY OF THE ARGUMENT**

I. DENIED. The evidentiary rule of completeness (D.R.E. 106) does not override the protections of the Delaware Rape Shield Law (11 *Del. C.* §§ 3508-3509). Accordingly, there was no abuse of discretion in the Superior Court evidentiary ruling (A-503-07) under D.R.E. 403, admitting only a redacted copy of the DNA Laboratory Report. (A-933-37).

## **STATEMENT OF FACTS**

On June 17, 2023, the then thirteen-year-old (A-41, 608-09) complaining witness, HA, lived with her mother, maternal grandmother and stepfather. (A-47, 173). 37-year-old Daryl B. Baldwin, Jr. (A-608) was friends with HA's uncle, Jay Longfellow. (A-46, 102). Baldwin was present in HA's home that evening, and Baldwin and HA's stepfather (A-173) were cooking crack cocaine with a spoon in the mother's room. (A-48). HA thought Baldwin was at her home about 10:30 P.M. on June 17. (A-185-86).

Earlier in the evening on June 17, 2023, beginning at 5:33 P.M. HA and Baldwin were communicating via cellphone text messaging. (A-610-13). HA's cellphone was collected by the Delaware State Police on June 21, 2023 (A-276-77), and data from her cellphone was introduced at Baldwin's trial as State's Exhibit #27. (A-277). Baldwin's cellphone was also collected earlier on June 18, 2023 from the backseat of Baldwin's black two-door (A-129) 2002 Chevrolet Monte Carlo (A-173-74), and messages involving HA were presented at trial as State's Exhibit #29. (A-300-01, 610).

In the June 17-18, 2023 cellphone messages exchanged between HA and Baldwin there is a 7:21 P.M. message on June 17, in which thirteen-year-old HA (A-41, 608-09) asks the 37-year-old Baldwin (A-608), if she can stay with him that

evening. (A-626). When HA asks Baldwin if he is coming over to her home, Baldwin replies, “Not right now, hon, I need to make some money. But if you want me to, I can later tonight.” (A-613). HA responds, “Yes.” (A-613). Also in Baldwin’s cellphone messages is a photograph sent by HA where “She is wearing a bra and some sort of bottom.” (A-611-12). Baldwin refers to the photograph as “Favorite,” and HA answers, “...you can look at my boobs.” (A-612).

The exchange of cellphone messages between HA and Baldwin continued during the evening of June 17. (A-613-17). At 9:47 P.M., HA asks Baldwin, “Am I allowed to stay with you tonight?” (A-617). After HA says, “So am I sleeping in your room?” Baldwin tells her to “stop asking questions.” (A-617).

The text exchanges continued past midnight and into the early hours of June 18, 2023. (A-619-21). By this point it appeared that HA and Baldwin were attempting to arrange an assignation. (A-742). At 2:02 A.M. on June 18, HA sent Baldwin a message saying she wants to have sexual intercourse. (A-621, 739, 750-51). At trial, the chief investigating officer (A-169), Delaware State Police Detective Thomas Ford (A-168), testified that a thirteen-year-old cannot legally consent to sexual activity with a 37-year-old.<sup>1</sup> (A-609, 741).

---

<sup>1</sup> 11 Del C. §761(e) (“A child who has not yet reached that child’s sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child.”)

In her trial testimony, HA stated that Baldwin asked her mother if HA could go with Baldwin “To go hang out with his kids.” (A-29-50). At that point, Baldwin and HA’s mother and stepfather were all smoking crack before HA and Baldwin left together. (A-55). Baldwin drove to Bowers Beach (A-55), and HA was sleeping in the front seat of the car. (A-56, 109). No one else was nearby where Baldwin parked. (A-57-58).

According to HA, Baldwin was already naked (A-110), when he began removing her clothes while she was in the front seat. (A-62, 71, 110). HA testified, “He started touching me,” and with his hand, “He was touching my arms, my boobs, my vagina, my butt, and my legs.” (A-62). Baldwin was touching HA with one hand and choking her with his other hand. (A-63). HA said, “His hand was around my throat,” and “I was telling him to stop and get off me.” (A-63).

Baldwin shoved his penis in HA’s mouth before touching her vagina with his penis. (A-66). HA stated that she was in the front seat when Baldwin put his penis in her mouth, and “He was shoving his penis in my mouth and I couldn’t breathe.” (A-64). Baldwin also put his finger in HA’s vagina. (A-111).

Next, HA testified, “Then he pushed me back into the back seat and started shoving his penis in my vagina.” (A-67). She added, “I was on my back and my legs were up in the air.” (A-67). When Baldwin’s penis was her vagina, she noted,

“I was telling him to stop and I was pushing him off of me.” (A-68). HA said the sexual assault was painful (A-69), and “He was touching my vagina by putting his fingers inside of me.” (A-69-70).

Once Baldwin fell asleep in the backseat, HA returned to the car’s front seat. (A-71-72). She put her clothes back on and retrieved her cellphone. (A-71). HA testified: “I got out the car quietly. And I closed the door quietly. And I ran down the street and called 9-1-1.” (A-72). The audio recording of the 911 call was played for the jury and admitted in evidence as State’s Exhibit #1. (A-73).

Following HA’s 911 call, Delaware State Police Patrol Trooper Emmanuel Velez (A-126) was dispatched to Whitwells Delight Road near Bowers Beach, for a report of a sex offense. (A-127-28). Trooper Velez located HA and noted that she was very young, her shirt was inside out, she wore pajama bottoms and walked with a limp. (A-129). HA informed the police officer that the incident happened in an older, black, two-door vehicle in a nearby area by a woodline. (A-129).

Velez was wearing a mobile video recorder (A-131-32) that recorded his interactions with HA and later Baldwin on June 18. (A-132). The police video was also played for the jury (A-137), and admitted as State’s Exhibit #5. (A-136). HA told Velez that Baldwin was homeless and living in his car. (A-139). The Trooper made contact with Baldwin (A-130), who was lying naked in the car’s backseat. (A-

140, 610). Baldwin was taken to State Police Troop 3 (A-170), where his vehicle was also towed. (A-174-75). Baldwin declined to make any statement to the police. (A-172).

On June 18, HA was taken to Bayhealth after she informed an EMS person that she was raped. (A-410). Dawn Culp, the Hospital Sexual Assault Nurse Examiner (SANE), examined HA (A-410), and the child's medical records were admitted as State's Exhibit #34. (A-416-17). HA described the sexual assault to Nurse Culp (A-419-20), noting that she was held down (A-457) and strangled. (A-434). Baldwin's penis penetrated HA's vagina (A-435, 457), and HA said, "His fingers were inside my crotch." (A-435, 457). HA was complaining of vaginal pain after her assault. (A-436-37).

Hospital staff collected HA's clothing, including her underpants (A-426-27), and several areas of her body were swabbed for evidence. (A-423-24, 426-27). The evidence collected by the SANE Nurse was placed in a rape kit that was turned over to the police. (A-430-31). DNA samples were collected from both HA (A-172) and Baldwin (A-173), and those DNA samples along with HA's SANE kit were all sent to the State Division of Forensic Science on August 17, 2023 for testing. (A-173, 530-32).

HA's swabs and Baldwin's swabs and hair were all tested by DNA Analyst Paul Gilbert. (A-512-13, 530-35). Gilbert's DNA Lab Report (A-925-32) was admitted in redacted form as State's Exhibit #35. (A-535, 933-37). The unredacted DNA Lab Report (A-925-32) was admitted only as Court Exhibit #2. (A-659).

According to Gilbert, sperm cells were present on HA's buttocks swabs. (A537). Likewise, male DNA was detected in HA's vaginal vestibule, medial right and left thigh, buttocks, face, neck, right and left breasts, abdomen and back. (A-538-39). Male DNA matching Baldwin's DNA was found on HA's medial left thigh and face (A-543-44), neck and left and right breast (A-544-45), and back. (A-546). When the trial judge later denied the defense motion for judgment of acquittal (A-654-58), the judge noted that Baldwin's DNA was found on HA's face, neck, both breasts, and her back. (A-657).

Baldwin elected not to testify (A-662-64), and the defense presented no witnesses. (A-672).

## **ARGUMENT**

### **I. THE EVIDENTIARY RULE OF COMPLETENESS DOES NOT OVERRIDE THE PROTECTIONS OF THE DELAWARE RAPE SHIELD LAW.**

#### **QUESTION PRESENTED**

Whether the evidentiary rule of completeness (D.R.E. 106) overrides the protections of the Delaware Rape Shield Law (11 *Del. C.* §§3508-3509) to require admission of an unredacted copy of the DNA Report. (A-925-32).

#### **STANDARD AND SCOPE OF REVIEW**

The trial court's ruling under D.R.E. 403 that an unredacted copy of the DNA Report (A-925-32) is not admissible under D.R.E. 106 (the rule of completeness) when there has been no attempt to comply with the procedural requirements of 11 *Del. C.* §3508 (A-503-07) is reviewed on appeal for an abuse of discretion.<sup>2</sup> "An abuse of discretion occurs when a court has exceeded the bounds of reason in light of the circumstances, or so ignored recognized rules of law or practice so as to produce injustice."<sup>3</sup>

---

<sup>2</sup> See *Massey v State*, \_\_A.3d \_\_, 2025 WL 2536692, at \*5 (Del. Sept. 4, 2025); *Burrell v. State*, 332 A.3d 412, 424 (Del. 2024); *Hines v. State*, 248 A.3d 92, 99 (Del. 2021).

<sup>3</sup> *McNair v. State*, 990 A.2d 398, 401 (Del. 2010) (quoted in *Thompson v. State*, 205 A.3d 827, 834 (Del. 2019)).

## **MERITS OF THE ARGUMENT**

On the fourth day of trial, there was a discussion between the trial judge and counsel about the admission of a redacted copy of Paul Gilbert's October 20, 2023 DNA Laboratory Report. (A-362-73). The prosecutor stated:

The victim's underwear in this case was submitted for DNA testing. Initially and preliminarily there was a presence of spermatozoa.

Her underwear were tested, and following the extraction of [HA's] DNA, it was not a match to the defendant.

So based on 11 Delaware Code 3509, I have redacted that because any presence—or any indication of specific instances of sexual conduct on [HA's] part are inadmissible.

I have also redacted the portion that could be harmful to Mr. Baldwin that states that there was male DNA in the first place.

And, so, I think that cures that issue.

And just to be clear, Your Honor, I have redacted the indication that there was any spermatozoa indicated on [HA's] underwear. And then I have also redacted the portion that states that that DNA belonged to an unidentified male.

(A-362-63).

Defense counsel for Baldwin opposed admission of a redacted DNA Report (A-933-37), and argued that only an unredacted complete DNA Report (A-925-32) should be admitted. Baldwin's defense counsel responded:

Your Honor, I believe that an unredacted copy of the report should be what goes to the Jury. Under the Doctrine of Completeness, they should see the entire report.

Further, under 3509, it prohibits the defendant from introducing any opinion evidence, reputation evidence, and evidence of specific instances of the complaining witness's sexual conduct, or any such evidence in order to prove consent.

I don't think that this falls into that category.

This is a DNA result. This is not trying to elicit testimony from [HA] of any specific sexual conduct. It is circumstantial evidence that was found in DNA that was tested.

I think it is relevant in the case, that there was other DNA that was not my client's. And, again, I think the whole picture needs to come in.

(A-364-65).

Next, the prosecutor added:

Your Honor, 3509 relates to the admissibility of evidence in general, not just evidence presented by the Defendant.

Number One, I think it is much more prejudicial to [HA].

Number Two, This evidence would go to a specific instance of [HA]’s sexual conduct. And it is black and white under the statute that that doesn’t come in.

I think that admitting any indication of sexual conduct of [HA] could lead the jury to make a prejudicial conclusion about that.

(A-365-66).

The prosecutor continued:

Your Honor, I would also note for the record that there was no motion filed to suppress this.

I did not provide [defense counsel] with the actual redacted copy until this morning, but we certainly discussed the fact that redactions would be needed.

(A-367).

Baldwin’s counsel next argued that the presence of unidentified sperm in the thirteen-year-old complaining witness’ underwear, “It is an inference that can be drawn that there was other sexual conduct. But this, in and of itself, is not specific evidence of sexual conduct.” (A-370). This argument appears to be that the Delaware Rape Shield Law (11 *Del. C.* § 3509) only applies to “specific evidence of sexual conduct.” Section 3509 makes no such distinction.

Later, the State noted that the evidence of male sperm in the complaining witness’s underwear is an attempt to make the victim appear promiscuous, and that type of evidence is inadmissible under 11 *Del. C.* § 3509. In sum, the State argued

that there was no purpose for admission of an unredacted DNA Report except to make the victim look bad. (A-494-95).

After a luncheon recess the trial judge rejected the defense rule of completeness argument based upon D.R.E. 106, and utilizing D.R.E. 403, ruled that only a redacted version of the DNA Report would be admissible in accordance with the protections of 11 *Del. C.* §§ 3508-3509. The trial judge ruled:

Counsel, I am prepared to make a ruling on the issue that was pending, so let me do that first.

So the State proposes to submit a DNA laboratory report in which the State proposes to redact certain information that sperm of a male other than the Defendant was found in the underwear of the State's complaining witness.

Now in fairness, I believe, the Defense knew that the State planned to redact this information as of the final case review on May the 1<sup>st</sup>.

Even though it may not have been explicitly stated that these redactions are going to be made, in fairness evaluating what has been told to me, the Defense knew as of May 1st that the State intended to redact this information or not present this information, and, also, even though Defense did not receive the actual redacted version of the report until May 13th. But I believe the Defense knew this as of May 1st.

In addition, I would point out that the Defense received the unredacted DNA laboratory report in December 2023, and, therefore, knew at that time that the sperm of another male had been found on the Defendant's underwear.

Now, there are two, we will call them Rape Shield statutes in Delaware. One is 11 Delaware Code Section 3508. One is 11 Delaware Code Section 3509.

11 Delaware Code Section 3508 allows evidence of prior sexual conduct of the complaining witness to be admitted to attack the credibility of the complaining witness. But certain procedural steps have to be followed there by the defendant, including filing of a motion and an affidavit, and that has not been done here. And there has been no indication by the Defense that they would wish to submit this evidence to attack the credibility of the complaining witness.

As to 11 Delaware Code Section 3509, evidence of prior sexual conduct by the complaining witness may be admitted in order to prove consent, and there has been no indication by the Defense that they intend to, or would like to, have this information submitted for that purpose. So, in the Court's view, the Rape Shield statutes are really not applicable here. So it becomes a Rule 403 analysis; Delaware Rule of Evidence 403.

Now the Defense is requesting that the unredacted version of the State's DNA report be offered, not to show prior sexual conduct of the complaining witness at all, but only under the rule of completeness. So that, generally, is a jury is to see an entire document, if that is possible.

Now, according to the Defendant, the presence of another male's sperm on the complaining witness's underwear does not show prior sexual conduct or prior sexual acts by the complaining witness as there could be a host of other reasons why another male's DNA would be on her underwear, such as nonsexual transfer occurring in a home where she resided with other adult males other than the Defendant.

Now, accepting that argument of the Defendant, the probative value of this evidence is then reduced, and maybe even becomes minimal.

And, in addition, the Court finds that there is a very real danger that, should the Jury be presented with this information, they could conclude that this is evidence of the complaining witness's engaging in prior sexual conduct; and, therefore, there is a significant danger of unfair prejudice to the State, and a significant danger of confusing the issues, and a significant danger of misleading the Jury.

The Court, therefore, finds that the danger of all of these substantially outweighs any probative value of this evidence and, therefore, the information will remain redacted.

Now, I will grant the Defense request that the entire line of – the deleted, not just – I assume it was the word “positive” – I think it was, yes – but not just the word “positive.”

So when we look at the first page of the report, under Preliminary Analysis Results Part One under the fourth line of information, that entire line would be redacted, not simply the word “positive”

So I will grant the Defendant's request in that respect.

(A-503-07).

On appeal, Baldwin argues that the Superior Court properly found Delaware's Rape Shield statutes (11 Del. C. §§ 3508-3509) “did not apply to Baldwin's request to admit a full DNA Report that included evidence of another male's DNA on the

underwear of the underage Complaining Witness....”<sup>4</sup> The reason the trial court did not conduct any analysis under 11 *Del. C.* § 3508(a) is because Baldwin never filed a pretrial motion and affidavit to attack the credibility of the complaining witness as required by 11 *Del. C.* §3508. (A-504-05). The trial judge noted that “the Defense received the unredacted DNA laboratory report in December 2023, and, therefore, knew at that time that the sperm of another male had been found on [HA’s] underwear.” (A-504).

While 11 *Del. C.* §3508 “allows evidence of prior sexual conduct of the complaining witness to be admitted to attack the credibility of the complaining witness... certain procedural steps have to be followed there by the defendant....” (A-504). Baldwin never followed the procedural requirements of section 3508 (A-367), and cannot avoid the protection afforded to HA by the Delaware Rape Shield statutes. (A-504-05). The trial court noted that while 11 *Del. C.* § 3509 provides that “evidence of prior sexual conduct by the complaining witness may be admitted in order to prove consent,... there has been no indication by the Defense that they intend to, or would like to, have this information submitted for that purpose.” (A-505).

---

<sup>4</sup> Opening Brief at 22-23.

Section 3509 is of no assistance to Baldwin because consent is not an available defense when the victim is thirteen years old. 11 *Del. C.* § 761(e) provides: “A child who has not yet reached that child’s sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child.” Thirteen-year-old HA could not consent to sexual activity with 37-year-old Baldwin in June 2023. (A-609, 741).

It was in this factual context that the trial court ruled: “...the Rape Shield Statutes are not applicable here. So it becomes a Rule 403 analysis; Delaware Rule of Evidence 403.” (A-505). This court ruling does not mean the protection of the Delaware Rape Shield statutes is unavailable to HA; rather, an analysis under 11 *Del. C.* §§ 3508-3509 is unnecessary because Baldwin never attempted to follow the required procedure of § 3508 (A-367) to raise the issue.

What Baldwin did argue at trial was that the Doctrine of Completeness<sup>5</sup> required admission of the entire unredacted DNA Report. (A-364-63). This is really an argument that D.R.E. 106 trumps any protection afforded to HA by the Delaware Rape Shield statutes. This legal contention is incorrect. The trial court focused on this distinction and observed: “Now the Defense is requesting that the unredacted

---

<sup>5</sup> D.R.E. 106.

version of the State's DNA report be offered, not to show prior sexual conduct of the complaining witness at all, but only under the rule of completeness." (A-505).

In Baldwin's case an analysis under D.R.E. 403, as performed by the trial judge (A-505-07), is the proper evidentiary approach rather than Baldwin's claim that D.R.E. 106 overrides the statutory protection of the Delaware Rape Shield provisions. This Court in 2003, pointed out: "The trial judge ruled that 'Rule 403 supersedes 106, if the circumstances warrant.' We agree. D.R.E. 106 does not make otherwise inadmissible evidence admissible."<sup>6</sup> Baldwin is employing the same type of Rule 106 tactic rejected in *Banther*,<sup>7</sup> to try to admit evidence (the unredacted DNA Report) to portray HA as promiscuous. (A-494-95).

The Delaware Rape Shield statutes prohibit such a tactic. Here, the trial court correctly observed: "Now the Defense is requesting that the unredacted version of the State's DNA report be offered, not to show prior sexual conduct of the complaining witness at all, but only under the rule of completeness." (A-505). The Superior Court, utilizing a D.R.E. 403 balancing analysis, correctly rejected Baldwin's backdoor argument. This Court has also noted: "The purpose of §3508 is not satisfied if evidence of prior sexual conduct may be offered and admitted simply

---

<sup>6</sup> *Banther v. State*, 823 A.2d 467, 487 (Del. 2003).

<sup>7</sup> *Id.* at 487.

by calling it another name.”<sup>8</sup> The other name being employed in Baldwin’s argument is the common law rule of completeness codified in D.R.E. 106.<sup>9</sup>

“Like the overwhelming majority of states, Delaware has a rape shield statute.”<sup>10</sup> Delaware’s Rape Shield statute is designed to protect rape and sexual assault victims from attacks on their credibility.<sup>11</sup> Under the statute, “[e]vidence of the prior sexual conduct of an alleged sexual assault victim is admissible only when the statutory procedure is followed and the court determines that the evidence proposed to be offered by the defendant regarding the sexual conduct of the alleged victim is relevant” in attacking the credibility of the complaining witness.<sup>12</sup>

The competing concerns here are a criminal defendant’s Sixth Amendment confrontation right to cross-examine the witnesses against him<sup>13</sup> balanced against protecting the complainant from unnecessary humiliation and embarrassment.<sup>14</sup> “Historically, defense counsel was allowed to cross-examine a witness during trial about the witness’s prior sexual conduct based on antiquated notions of promiscuity and its relation to truthfulness. After the Rape Shield Statute became the law in

---

<sup>8</sup> *Scott v. State*, 642 A.2d 767, 771 (Del. 1994).

<sup>9</sup> See *Thompson v. State*, 205 A.3d 827, 834 (Del. 2019).

<sup>10</sup> *Scott*, 642 A.2d at 770.

<sup>11</sup> *Id.* at 771.

<sup>12</sup> *Wright v. State*, 513 A.2d 1310, 1314 (Del. 1986); 11 Del. C. § 3508.

<sup>13</sup> *Wright*, 513 A.2d at 1314.

<sup>14</sup> See *Massey v. State*, \_\_ A.3d \_\_, 2025 WL 2536692, at \*6 (Del. Sept. 4, 2025); *Scott*, 642 A.2d at 771.

Delaware, the trial court now had to determine the relevance of a witness's sexual conduct before trial.”<sup>15</sup> At Baldwin's trial the State argued against admitting an unredacted DNA Report because “...I don't think there is any purpose other than to make the victim look bad or show that she is promiscuous.” (A-495).

A Defendant's constitutional cross-examination right “is not absolute, however, but subject to reasonable limits where it conflicts with other trial considerations.”<sup>16</sup> “Since the defendant has no constitutional right to present irrelevant evidence at trial, and the statute provides for an *in camera* hearing which allows the defendant a full and fair opportunity to confront his accuser, the rape shield statute is not unconstitutional on its face.”<sup>17</sup> “The Rape Shield Statute requires that the proponent of the evidence demonstrate that it is ‘relevant.’ In this context, evidence of a witness's prior sexual conduct is relevant if it is probative of the witness's credibility.”<sup>18</sup> Nevertheless, to get to this point Baldwin was required to follow the procedures of 11 *Del. C.* § 3508, but Baldwin made no attempt to follow the procedural requirements of section 3508. (A-367, 504-05). D.R.E. 106 does not permit Baldwin to ignore the statutory requirements of 11 *Del. C.* § 3508.

---

<sup>15</sup> *Massey*, 2025 WL 2536692, at \*6.

<sup>16</sup> *Id.*, at \*6 (quoting *Wright*, 513 A.2d at 1314).

<sup>17</sup> *Wright*, 513 A.2d at 1314. *See also State v. Condon*, 2003 WL 1364619, at \*8 (Del. Super. Mar. 13, 2003).

<sup>18</sup> *Massey*, 2025 WL 2536692, at \*7.

D.R.E. 106, upon which Baldwin relies, is a codification of the common law rule of completeness.<sup>19</sup> The evidentiary rule's purpose "is to prevent misleading impressions which often result from taking matters out of context."<sup>20</sup> D.R.E. 106 contains two qualifications: "The portions sought to be admitted (1) must be relevant to the issues and (2) only those parts which qualify or explain the subject matter of the portion offered by the opponent need be admitted."<sup>21</sup>

In deciding whether the rule of completeness contained in D.R.E. 106 applies, the trial judge framed the issue by explaining, "Now the Defense is requesting that the unredacted version of the State's DNA report be offered, not to show prior sexual conduct of the complaining witness at all, but only under the rule of completeness." (A-505). This is simply a defense argument that D.R.E. 106 controls over any protections afforded to HA by the Delaware Rape Shield statutes. Baldwin presents no authority for this far-reaching contention.

In denying the balancing analysis of D.R.E. 403, the trial court found the unredacted DNA Report evidence Baldwin sought to admit had limited, even "minimal," probative value. (A-506). This was the case because "...according to

---

<sup>19</sup> *Flamer v. State*, 953 A.2d 130, 135 (Del. 2008).

<sup>20</sup> *Burke v. State*, 484 A.2d 490, 497 (Del. 1984). *See also Ayers v. State*, 844 A.2d 304, 311 (Del. 2004); *Floudiotis v. State*, 726 A.2d 1176, 1213-14 (Del. 1999).

<sup>21</sup> *Thompson v. State*, 205 A.3d 827, 835 (Del. 2019) (quoting *Flamer*, 953 A.2d at 135).

the Defendant, the presence of another male's sperm on the complaining witness's underwear does not show prior sexual conduct or prior sexual acts by the complaining witness as there could be a host of other reasons why another male's DNA would be on her underwear, such as nonsexual transfer occurring in a home where she resided with other adult males other than the Defendant." (A-506). The contention is not a convincing explanation for not applying the strictures of the Rape Shield statutes, particularly since the only other male residing in HA's home was her stepfather. (A-47).

Not only was the probative value of the unredacted DNA Report quite limited, there was "a very real danger that, should the Jury be presented with this information, they could conclude that this is evidence of the complaining witness's engaging in prior sexual conduct; and, therefore, there is a significant danger of unfair prejudice to the State, and a significant danger of misleading the jury." (A-506-07). This is a proper D.R.E. 403 analysis. Accordingly, there was no abuse of discretion in the trial court's final conclusion that these dangers "substantially outweighs any probative value of this evidence and, therefore, the information will remain redacted." (A-507).

D.R.E. 403 gives a trial court discretion to exclude even relevant evidence "if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay,

wasting time, or needlessly presenting cumulative evidence.”<sup>22</sup> The trial court correctly found that whatever probative value there might be in the unredacted DNA Report, there was still a substantial danger of three countervailing factors: unfair prejudice; confusion of issues; and misleading the jury. (A-506-07). Under these circumstances, there was no abuse of discretion in declining the defense request to admit an unredacted copy of the State’s DNA Report under the D.R.E. 106 rule of completeness.

---

<sup>22</sup> D.R.E. 403.

## CONCLUSION

The judgment of the Superior Court should be affirmed.

*/s/ John Williams*  
John Williams (#365)  
[JohnR.Williams@delaware.gov](mailto:JohnR.Williams@delaware.gov)  
Deputy Attorney General  
Delaware Department of Justice  
102 West Water Street  
Dover, Delaware 19904-6750  
(302) 739-4211, ext. 3285

Dated: October 9, 2025

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

**DARYL BALDWIN,** )  
 )  
Defendant Below- )  
Appellant, )  
 )  
v. ) **No. 431, 2024**  
 )  
 )  
**STATE OF DELAWARE,** )  
 )  
Plaintiff Below- )  
Appellee. )

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

1. This answer brief complies with the typeface requirement of Rule 13(a)(i) because it has been prepared in Time New Roman 14-point typeface using Microsoft Word 2016.
2. This answer brief complies with the type-volume limitation of Rule 14(d)(i) because it contains 4,700 words, which were counted by Microsoft Word 2016.

/s/ John Williams  
John Williams (Bar No. 365)  
Deputy Attorney General  
Delaware Department of Justice

DATE: October 9, 2025