

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**STATE OF DELAWARE,**

**v.**

**ANDRE RICHARDS,**

**Defendant.**

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**ID No. 2407016317A**

**ORDER**

This 23<sup>rd</sup> day of October 2025, the Court enters the following Order:

1. While conducting a search of the Defendant's residence for drugs pursuant to an authorized search warrant, police recovered a handgun from a dresser drawer. The discovery of the handgun led to an indicted charge of Receiving a Stolen Firearm. The discovery of drugs led to other charges that are not germane to the issue raised here.

2. In order to convict on a charge of receiving a stolen firearm, the State must prove that the firearm was stolen. That proof may be satisfied by evidence that the Defendant "receives, retains or disposes of" a firearm "knowing that it has been acquired under circumstances amounting to theft, or believing that it has been so acquired."<sup>1</sup>

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<sup>1</sup> 11 Del. C. §1450

3. Defendant concedes that the State produced evidence that the gun had been reported stolen months earlier and was in a police database as a stolen handgun. Nonetheless, he says, that is not proof that he knew it was stolen.

4. The State responds that the handgun was secreted under clothing in a dresser drawer, the Defendant did not acknowledge its presence as he did with respect to drugs that he was charged with, and he gave inconsistent, evasive answers concerning how he came into possession of the gun at the police station.

5. The issue raised by the defense is analyzed in the light most favorable to the State and, accepting that standard of review, the State's position is sustained. The jury could have acquitted or convicted and its decision should not be overruled by the Court after the fact.

The motion for Judgment of Acquittal is **DENIED**.

**IT IS SO ORDERED.**

/s/ Charles E. Butler  
Charles E. Butler, Resident Judge

cc: Prothonotary  
Brett D. Fallon, Deputy Attorney General  
Marc J. Wienkowitz, Esquire