

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

v.

ALEXANDER PRATT,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

ID No. 2407017872

Date Submitted: September 8, 2025

Date Decided: November 4, 2025

ORDER

Having considered the Defendant's Motion to Compel and Motion to Suppress, it appears to the Court that:

1. In July 2024, a confidential informant ("CI") notified the Wilmington Police Department that a black male in his thirties with dreadlock style hair was selling marijuana and heroin from a residence located at 3800 North Market Street Wilmington, DE 19802.

2. The CI told Wilmington Police that several occasions, they had purchased marijuana at 3800 North Market Street. The CI provided a phone number and a DELJIS search revealed to Wilmington Police that the phone number belonged to the Defendant. The CI also accurately identified the Defendant from a photograph.

3. During the second week of July 2024, Wilmington Police detectives met with the CI to conduct a controlled purchase of marijuana from the Defendant. Before

the controlled purchase occurred, the CI was searched for illegal contraband and money. The search was negative. The Wilmington Police conducted surveillance while the CI went to 3800 North Market Street to purchase marijuana from the Defendant with departmentally issued money. When the CI arrived at 3800 North Market Street, the CI knocked on the door and was let in.

4. The CI exited 3800 North Market Street several minutes later and headed directly to meet the Wilmington Police detectives at the pre-determined location. The CI handed the detectives a substance that field-tested positive as marijuana. The CI informed the detective that the Defendant opened the door, invited the CI in, and provided the CI with the marijuana in exchange for departmentally issued money.

5. During the third week in July 2024, Wilmington Police detectives and the CI conducted a second controlled purchase in the same manner indicated above. The substance purchased by the CI from the Defendant field-tested positive as marijuana.

6. Based on the CI's information and the two controlled purchases, Wilmington Police applied for a warrant to search the property at 3800 North Market Street. On July 24, 2024, the Justice of the Peace court issued the daytime search warrant.

7. Wilmington Police executed the search warrant at 3800 North Market Street on July 31, 2024, and found 57.2 grams of marijuana, drug paraphernalia, documents addressed to the Defendant, and a nine-millimeter handgun and ammunition.

8. The Defendant was indicted by a grand jury for one count Drug Dealing, two counts Possession of a Firearm During the Commission of a Felony, six counts Endangering the Welfare of a Child, and one count Possession of Drug Paraphernalia.

9. On July 29, 2025, the Defendant filed a motion to compel the State to identify the CI and their criminal history so that the Defendant may properly prepare a defense for trial. The State argues that the CI's identity is privileged because the CI was only used to establish probable cause for a search warrant, which does not require disclosure under *State v. Flowers*.¹

10. On August 26, 2025, Defendant filed a motion to dismiss and suppress the search warrant because Wilmington Police lacked jurisdiction to execute the search warrant at 3800 North Market Street. The State proffers that the Defendant's argument lacks merit because police officers in Delaware have statewide authority to execute search warrants.

11. The Court held a suppression hearing on the motions on September 8, 2025.

12. The Court addresses the Defendant's motion to compel first. Under Delaware Rule of Evidence 509, the identity of a confidential informant is privileged

¹ 316 A.2d 564 (Del. Super. 1973).

unless “an informer may be able to give testimony which would materially aid the defense[.]”²

13. In *Flowers*, this Court identified four situations when the issue of disclosing an informer’s identity arises: “(1) The informer is used merely to establish probable cause for a search. (2) The informer witnesses the criminal act. (3) The informer participates but is not a party to the illegal transaction. (4) The informer is an actual party to the illegal transaction.”³ “The privilege is protected in category [one] . . . and disclosure is required in category [four].”⁴ There is no bright line rule for categories two and three; both are generally determined on a case-by-case basis.⁵

14. Here, the Court agrees with the State that disclosure is not required. Defendant claims that the CI’s identity and their criminal history would materially aide his defense, but such a broad assertion is insufficient to show that the CI’s identity would reveal exculpatory evidence. Further, because the facts show the CI was only used to establish probable cause for a search, the CI’s identity is privileged. The basis for probable cause in the warrant affidavit is solely founded on the information that the CI initially gave to the Wilmington Police and the subsequent controlled purchases by the CI under the supervision and direction of the

² See also *Riley v. State*, 249 A.2d 863, 866 (Del. 1969).

³ 316 A.2d at 567.

⁴ *Id.*

⁵ *Id.*

Wilmington Police. After the second controlled purchase during the third week in July 2024, a detective from the Wilmington Police applied for a search warrant. These facts indicate that the CI's role was merely to establish probable cause. Thus, the Court rejects the Defendant's motion to compel the CI's identity.

15. Next, Defendant contends that the search warrant should be suppressed because the Wilmington Police did not have jurisdiction to execute the search warrant at 3800 North Market Street as the property was outside the city limits. Under 11 *Del. C.* § 1911, “member[s] of the police department, bureau or force of any incorporated city or town[,]”⁶ have statewide authority to execute authorized search warrants.

16. Accordingly, the Wilmington Police detectives, as members of the police department of an incorporated city, had authority to execute the search warrant at 3800 North Market Street. In sum, the Court rejects the Defendant's argument that the search warrant should be suppressed.

17. For the foregoing reasons, the Defendant's Motion to Compel and Motion to Suppress are **DENIED**.

IT IS SO ORDERED.

/s/ Calvin Scott
Judge Calvin L. Scott, Jr.

⁶ 11 *Del. C.* § 1911(a)(3).