

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAQUAN FLETCHER,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Appellee.

§

§

§ No. 383, 2025

§

§ Court Below—Superior Court
§ of the State of Delaware

§

§ Cr. ID No. K2312008530A/B

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Submitted: September 2, 2026

Decided: October 26, 2026

Before **LEGROW**, **GRIFFITHS**, and **ZURN**, Justices.

ORDER

After consideration of the brief and motion to withdraw filed by the appellant’s counsel under Supreme Court Rule 26(c), the State’s response, the appellant’s points, and the Superior Court record, it appears to the Court that:

(1) This is Jaquan Fletcher’s direct appeal from his convictions for first-degree murder, three counts of attempted first-degree murder, and various firearm charges. Fletcher’s counsel has filed a brief and a motion to withdraw under Supreme Court Rule 26(c). Counsel asserts that he has made a conscientious review of the record and the law and concluded that the appeal is without merit. Counsel informed Fletcher of the provisions of Rule 26(c) and provided him with a copy of the motion to withdraw and the accompanying brief. Fletcher provided issues for the Court’s

consideration.¹ The State argues that the Superior Court’s judgment should be affirmed.

(2) The charges against Fletcher arose from three shooting incidents in Dover in December 2023. The first shooting was on December 2, 2023, in the parking lot of a Wawa convenience store located on Forrest Avenue east of Dover High School. The Forrest Avenue Wawa is southwest of the intersection of Walker Road and McKee Road (the “Walker-McKee intersection”). The second shooting was on December 8, 2023, behind the Hamlet Shopping Center, which is located at the northwest corner of the Walker-McKee intersection. The third shooting was on December 14, 2023, outside a home at 4 Ann Avenue. The home sits at the intersection of Ann Avenue and Walker Road; Ann Avenue is the first street east of the Walker-McKee intersection.

(3) On the morning of December 2, 2023, Marvis Colona stopped at the Forrest Avenue Wawa on his way to work. As he was returning to his vehicle, which was parked with the back toward some bushes, he heard gunshots and realized he had been shot multiple times in the chest and arm. He returned to the door of the Wawa to warn people to stay inside, then ran to a nearby McDonald’s. A bystander

¹ Fletcher initially did not provide any points. After the State responded to the Rule 26(c) brief, Fletcher filed a motion and affidavit requesting to proceed *pro se*. This Court remanded to the Superior Court for a hearing as to Fletcher’s request. At the hearing, Fletcher withdrew his request to proceed *pro se* but requested an extension of time to provide issues for this Court’s consideration. Upon return from remand, this Court granted the extension. Fletcher then provided points, and the State responded.

called 911 at approximately 5:36 a.m. Emergency responders arrived and transported Colona to the hospital, where he was treated for four days before his release. An officer found shell casings in the bushes behind Colona's car.

(4) At around 2:00 a.m. on December 8, 2023, Christopher Ulrich was walking along Village Drive behind the Hamlet Shopping Center, using his cellphone to speak with a friend on FaceTime, when he suddenly realized one of his fingers was missing. He did not hear an initial gunshot because he was so absorbed in his conversation. He dropped his phone, looked up, and saw the silhouette of a tall, skinny person with a gun, who then shot Ulrich in his chest. Ulrich fell down into the grassy area between the sidewalk and the street, looked up again, and saw the person run to a car and drive off down Quail Hollow Drive. Ulrich's legs were "dead" from the waist down because a bullet had damaged two vertebrae, narrowly missing his spinal cord, and he struggled to breathe because a bullet had damaged his lung. He managed to crawl back onto the sidewalk to retrieve his phone and call 911. Police and emergency medical personnel arrived and transported Ulrich to the hospital, where he remained hospitalized for six days. Ulrich had a thoracotomy and partial lobe resection, several surgeries on his finger, and had to relearn how to walk after his release from the hospital. Approximately eleven days after the shooting, police officers returned to the area with a metal detector and located two shell casings in the grass near some trees.

(5) At approximately 8:44 p.m. on December 14, 2023, Tyrone Tribbett was in front of the garage at his home at 4 Ann Avenue with his nephew, Fred Tolson, talking and smoking. Tribbett's son was inside the house and heard gunshots from very nearby; he and his sister dropped to the floor. Tribbett did not hear a shot, but he felt a sharp pain in his neck, felt blood running down, and fell to the ground. He crawled into the house and called out for his children to call 911. Tolson was also shot. Emergency responders arrived and transported Tribbett to the hospital, where he was treated for a gunshot wound to his neck and upper scapula. Tolson was also transported to the hospital, where lifesaving measures were unsuccessful. The medical examiner who performed Tolson's autopsy testified that Tolson was killed by a bullet that entered his back and exited through his upper chest. Several days after the Ann Avenue shooting, police returned to search the area for additional evidence and found two shell casings and an unfired cartridge in a yard across the street.

(6) Dover Police detective Nathaniel Warren was the primary investigator of the Ann Avenue shooting. Detective Warren obtained videos from a dentist office's security cameras that faced Walker Road. The camera angles captured the intersections of Walker Road with Ann Avenue and with the next street east, Virginia Avenue. The videos showed Tribbett and Tolson standing in front of the garage at 4 Ann Avenue and then falling to the ground. The videos also captured a

gray Honda Civic circling the area of 4 Ann Avenue around the time of the shooting. Detective Warren learned from Detective Dale Boney, who was investigating the Hamlet Shopping Center shooting, that a gray Honda Civic was involved in that investigation as well. Security cameras from the shopping center showed a Civic making two u-turns on Village Drive as Ulrich was walking behind the shopping center. The vehicle then turned onto Quail Hollow Drive, parked briefly near the corner of Village Drive, and sped away just after Ulrich was shot.

(7) Using data from license plate readers, investigators identified that a Honda Civic with license plate 84818 was in the area around the time of the Hamlet Shopping Center and Ann Avenue shootings. Tatiyana Rickards was the primary driver of that vehicle, but she sometimes allowed her boyfriend, Fletcher, who did not have a car, to borrow the car. Rickards testified that Fletcher had used the car on December 8, when she was at his apartment and asked him to get food for her from a nearby McDonald's, and he was gone for more than an hour. Rickards also testified that Fletcher left his apartment in the evening of December 14, driving Rickards's car. He was gone for a period of time, and when he returned he said, "if the police question about anything, don't answer." Rickards testified that Fletcher did not drive the car on December 2, because she recalled that she drove by the Forrest Avenue Wawa on her way to work that morning and saw "a whole bunch of cops, ambulances, [and] fire trucks." She mentioned it to Fletcher, and he asked if anybody

had died. Rickards also testified that Fletcher typically carried his belongings, including a large, black gun, in a black North Face bookbag. She said that he had his backpack with his gun sticking out when he left the apartment on December 14.

(8) Fletcher lived near Dover High School, in an apartment that was approximately a thirty-minute walk from the Forrest Avenue Wawa. Investigating officers obtained videos from a neighbor's doorbell camera that faced the door to Fletcher's apartment. One video showed Fletcher leaving the apartment, wearing gray gloves and red and black sneakers, at 5:03:40 a.m. on December 2, approximately thirty minutes before the Wawa shooting. A security camera located at the high school captured a person walking behind the school, from the direction of Fletcher's apartment and toward the Wawa, at 5:08:30 a.m., and in the opposite direction at 5:46:30. The doorbell camera showed Fletcher returning to the apartment at 5:50:55, approximately sixteen minutes after the Wawa shooting.

(9) A video from the same doorbell camera showed Fletcher leaving the apartment at 12:54:41 a.m. on December 8, 2023, a little more than an hour before the Hamlet Shopping Center shooting. A license plate reader captured Rickards's Civic driving southbound on North State Street, near Route 13, at 1:50 a.m. A few minutes later, at 1:59 a.m., a security camera at Fairview Elementary School captured a gray Honda Civic driving westbound on Walker Road, toward the Hamlet Shopping Center. The Hamlet Shopping Center cameras captured a gray Honda

Civic driving westbound on Walker Road and northbound on Village Drive at 2:00 a.m., u-turning twice at 2:02 a.m., as Ulrich was walking along that street. The Honda Civic parked and then drove away, as described above, at 2:03 a.m.² The neighbor's doorbell camera captured Fletcher returning to his apartment at 2:11:14 a.m.

(10) At 8:08 p.m. on December 14, 2023, the night of the Ann Avenue shooting, license plate readers captured Rickards's car driving eastbound on Forrest Avenue at Dover High School at 8:08 p.m. and northbound on Kenton Road, toward Walker Road, at 8:12 p.m. Between 8:13 p.m. and 8:17 p.m., a combination of the Hamlet Shopping Center, dentist office, and Fairview Elementary School cameras depicted a gray Honda Civic appearing to circle the area of 4 Ann Avenue twice. During that four-minute period, the cameras showed a gray Honda Civic driving eastbound on Walker Road from the direction of Kenton Road; continuing on Walker Road past Ann Avenue and turning northbound on the next street, Virginia Avenue; turning from southbound Ann Avenue onto westbound Walker Road; turning northbound on McKee Road and eastbound on Brown Street toward the intersection with Ann Avenue; turning eastbound from Virginia Avenue onto Walker Road; and continuing eastbound on Walker Road.

² Ulrich cannot be seen within the video frame at the time of the shooting, but both the prosecution and defense counsel relied on the reaction of a rabbit depicted on the video to pinpoint the time of the gunfire. The call record from Ulrich's 911 call begins at 2:06:21 a.m.

(11) Approximately thirty minutes later, at 8:38 p.m., a license plate reader captured Rickards's car driving northbound toward the Walker-McKee intersection. A video from the dentist office camera showed a gray Honda Civic turn from eastbound Walker Road northbound onto Ann Avenue at 8:40 p.m., while two figures stood silhouetted by the light of the garage at 4 Ann Avenue. At 8:44 p.m., the two figures fell to the ground, and at 8:45 p.m. a gray Honda Civic emerged from Virginia Avenue and turned eastbound on Walker Road. The neighbor's doorbell camera then captured Fletcher returning to his apartment at 9:14 p.m., carrying a black backpack.

(12) On December 15, 2023, officers executed a search warrant at Fletcher's residence. They collected a black North Face backpack with one gray glove inside, a pair of red and black sneakers, and some other clothing. They did not find a firearm. Fletcher was taken into custody, and officers obtained a DNA sample and swabbed Fletcher's hands for gunshot residue. After being advised of his rights, Fletcher spoke with detectives for a period of time until he asked for an attorney and the interview was terminated.

(13) A firearm toolmarks examiner testified that the shell casings recovered from the scenes of all three shootings were fired from the same firearm. A DNA analyst swabbed the recovered shell casings but found no measurable DNA. A gunshot residue analyst testified that the swabs of Fletcher's hands and a steering

wheel cover from Rickards's car were negative for gunshot residue. Fletcher's shirt and jacket were negative and inconclusive, respectively. Fletcher's pants, the backpack, and the gray glove found inside the backpack all tested positive for gunshot residue.

(14) A Superior Court jury found Fletcher guilty of first-degree murder, three counts of attempted first-degree murder, and four counts of possession of a firearm during the commission of a felony. In a simultaneous bench trial, the Superior Court judge found Fletcher guilty of possession of a firearm by a person prohibited and possession of ammunition by a person prohibited. On August 12, 2025, the Superior Court sentenced Fletcher to life imprisonment for the first-degree murder charge and several decades in prison for the other offenses.

(15) When reviewing a motion to withdraw and an accompanying brief under Rule 26(c), this Court must be satisfied that the appellant's counsel has made a conscientious examination of the record and the law for arguable claims.³ The Court must also conduct its own review of the record and determine whether "the appeal is indeed so frivolous that it may be decided without an adversary presentation."⁴

³ *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).

⁴ *Penson*, 488 U.S. at 82.

(16) Fletcher asserts that the prosecutors engaged in misconduct by presenting false evidence and perjured testimony. He focuses on Ulrich's testimony about the Hamlet Shopping Center shooting, arguing that Ulrich made three inconsistent statements about what he had observed by (i) stating to police when they arrived at the scene that he did not see, hear, or know anything about who shot him; (ii) stating at another time pretrial that he had noticed a car drive past him several times and seen the car come to a stop and the driver emerge and move toward the back; and (iii) testifying at trial that he was focused on his phone and had no peripheral vision because of the screen light, but that he looked up after he was shot and saw a silhouette of the shooter and saw him run to a car and drive away. Fletcher also asserts that Ulrich's account was inconsistent with the video of the Honda Civic, which does not show a door opening, an interior light illuminating, or anyone exiting the vehicle.

(17) Fletcher has not shown that the State knowingly presented false evidence or perjured testimony.⁵ Mere contradictions or inconsistencies in a

⁵ See *Jenkins v. State*, 305 A.2d 610, 616 (Del. 1973) ("There is nothing before us to indicate that the State knowingly used perjured testimony. The fact that there were contradictions within [a witness's] testimony does not require reversal."); see also *Zutz v. State*, 160 A.2d 727, 729 (Del. 1960) ("The rule is too well established that a verdict of a jury, based upon competent evidence, even though conflicting, will not be set aside upon appeal. An appellate court does not weigh the testimony; to do so would usurp the function of the jury. The only thing which an appellate court may do in such case is to determine if there was competent evidence upon which the verdict might reasonably be based. If there was, as we believe to be the case here, the judgment of conviction must be affirmed." (citations omitted)).

witness's statements, or between a witness's statements and other evidence, do not demonstrate falsity or require reversal.⁶ Rather, they provide fodder for cross-examination and argument by the defense and raise credibility and factual issues for the jury to resolve.⁷ Defense counsel cross-examined Ulrich as to how his perceptions on the night of the shooting were affected by the brightness of his phone screen, his distress, his position when he fell, and the nearby shrubbery.⁸ Counsel also pointed out the inconsistencies between Ulrich's testimony at trial and his statement to a responding officer, captured on the officer's bodycam, that he did not see the person who shot him, and argued that Ulrich's account was inconsistent with the video evidence and that the video did not show a cabin light illuminating or anyone exiting the vehicle.⁹ We find no basis for reversal as to this issue.

(18) Fletcher contends, without additional specificity, that evidence should have been suppressed because the affidavit of probable cause contained false or misleading information. Fletcher did not file a pretrial motion to suppress and has

⁶ *Jenkins*, 305 A.2d at 616; *see also Romeo v. State*, 2011 WL 1877845, at *3 (Del. May 13, 2011) (“[M]ere contradictions in a witness's testimony may not require reversal because those contradictions may not constitute knowing use of false or perjured testimony. Rather, mere contradictions in trial testimony establish a credibility question for the jury.” (citation omitted)); *Knight v. State*, 690 A.2d 929, 932 (Del. 1996) (“It is well-settled that the trier of fact is the sole judge of the credibility of the witnesses and responsible for resolving conflicts in the testimony.” (internal quotation omitted)).

⁷ *See Sutton v. State*, 2024 WL 3062466, at *3 (Del. June 20, 2024) (stating that to the extent the appellant had identified inconsistencies or contradictions in the evidence, “they were such as would usually be found in the trial of criminal cases and merely raised a credibility issue for the jury to resolve” (internal quotations and citations omitted)).

⁸ Opening Appendix at A382-86.

⁹ *Id.* at A1159-61, A1173.

not demonstrated any cause for relief from the waiver.¹⁰ This claim therefore lacks merit.

(19) Fletcher also argues that there was insufficient evidence to support his convictions, and the State “used suspicion and speculation as a substitute for proof.” He emphasizes that the evidence did not include a gun, a motive, physical evidence linking Fletcher to the crimes, or an eyewitness who identified Fletcher as the shooter. Generally, we review an insufficient-evidence claim to determine whether any rational trier of fact, viewing the evidence in the light most favorable to the State, could have found the defendant guilty beyond a reasonable doubt.¹¹ Fletcher, however, did not move for a judgment of acquittal in the Superior Court, and we therefore review this claim for plain error.¹² “[T]he doctrine of plain error is limited to material defects which are apparent on the face of the record; which are basic, serious and fundamental in their character, and which clearly deprive an accused of a substantial right, or which clearly show manifest injustice.”¹³

(20) We find no plain error and conclude that there was sufficient evidence to sustain Fletcher’s convictions. The circumstantial evidence of Fletcher’s guilt¹⁴

¹⁰ See *Swanson v. State*, __ A.3d __, 2025 WL 3778943, at *2-4 (Del. Dec. 31, 2025) (holding that suppression arguments are waived absent a pretrial motion to suppress or a showing of good cause for not filing such motion).

¹¹ *Best v. State*, 2026 WL 1134033, at *3 (Del. Apr. 27, 2026).

¹² *Id.*

¹³ *Wainwright v. State*, 504 A.2d 1096, 1100 (Del. 1986).

¹⁴ See *Robertson v. State*, 596 A.2d 1345, 1355 (Del. 1991) (reviewing appellant’s insufficient-evidence claim and stating that, although the evidence “was not conclusive, it was not such that *no*

included Rickards's testimony that Fletcher used her car around the times of the December 8 and 14 shootings, carried a gun in a black North Face backpack, and made unusual statements or inquiries about the December 2 and 14 incidents; the doorbell camera videos of Fletcher's departures and arrivals from his apartment corresponding to the times of the shootings, sometimes wearing gray gloves or carrying a black backpack; license plate reader evidence showing that Rickards's car was in the area at the relevant times on December 8 and 14; video footage showing a gray Honda Civic circling the crime scenes just before those shootings; video evidence supporting an inference that Fletcher traveled on foot between his apartment and the Wawa immediately before and after the Wawa shooting; and evidence that Fletcher's backpack and a gray glove in the backpack had gunshot residue on them.

(21) Fletcher asserts that the Superior Court erroneously instructed the jury as to felony murder. This argument is misplaced, as there was no felony murder instruction.

(22) Fletcher contends that the jurors were not paying attention to evidence of his innocence after one juror experienced a medical issue when video of the Wawa crime scene from a police officer's body-worn camera was being displayed to the

rational trier of fact could convict," and "[t]he fact that most of the State's evidence was circumstantial is irrelevant" because "the Court does not distinguish between direct and circumstantial evidence" (internal quotation omitted)).

jury. When the incident with the juror occurred, the court took a recess and removed the jury from the courtroom until court staff attended to the affected juror. Upon returning from recess, the court asked counsel for their positions as to how to handle the issue. Defense counsel requested that the affected juror be excused; the State did not oppose the request; and the court replaced the juror with one of the alternates.¹⁵ The State requested that the court inform the other jurors that the affected juror was fine but had been excused, to minimize jury distraction arising from wondering where the juror had gone, and the court did so. The presentation of evidence resumed with the continuation of the video that had been playing. Fletcher does not identify what evidence of his innocence the jury may have missed from the video of a bloody crime scene. Nor does the record reflect that counsel raised any concern about the jury's attentiveness at any other point during trial. We find no merit to this issue.

(23) Finally, Fletcher asserts that his counsel was ineffective. We do not consider these claims in this direct appeal.¹⁶

(24) We have carefully reviewed the record and conclude that Fletcher's appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Fletcher's counsel has made a conscientious effort to examine the

¹⁵ Opening Appendix at A484-85.

¹⁶ See *Green v. State*, 238 A.3d 160, 175 (Del. 2020) (stating that the Supreme Court generally does not hear ineffective assistance of counsel claims on direct appeal).

record and has properly determined that Fletcher could not raise another meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice