



IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONNIE WILLIAMS,	)	
	)	
Defendant Below,	)	
Appellant,	)	Case No. 80, 2022
	)	
v.	)	
	)	
STATE OF DELAWARE,	)	
	)	
Plaintiff Below,	)	
Appellee.	)	

ON APPEAL FROM THE SUPERIOR COURT  
OF THE STATE OF DELAWARE

**STATE OF DELAWARE’S ANSWERING BRIEF**

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## NATURE AND STAGE OF THE PROCEEDINGS

On September 27, 2019, New Castle County Police arrested Ronnie Williams, and a New Castle County grand jury subsequently indicted him for second degree rape and a number of other related charges stemming from his sexual abuse of three boys between 2009 and 2018. DI 1, 4;<sup>1</sup> A681, 689.<sup>2</sup> On October 25, 2021, the grand jury issued a superseding indictment charging Williams with Rape Second Degree; three counts of Continuous Sexual Abuse of a Child; five counts of Unlawful Sexual Contact First Degree; three counts of Unlawful Sexual Contact Second Degree; two counts of Sexual Abuse of a Child by a Person in a Position of Trust, Authority, or Supervision Second Degree; and Sexual Solicitation of a Child. DI 23; Ex. A. Trial began on November 8, 2021, and, after two days of jury selection, lasted five days. DI 31–34.

At the close of the State’s case, Williams made a motion for judgment of acquittal, which the court granted as to one count of Unlawful Sexual Contact First Degree, three counts of Unlawful Sexual Contact Second Degree, and two counts of Continuous Sexual Abuse of a Child. A885–94, 916–923, 981–108. On November 19, 2021, the jury convicted Williams of Rape Second Degree; Continuous Sexual

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<sup>1</sup> “DI #” refers to items on the docket in the Superior Court criminal case of *Williams v. State*, ID # 190900265 (A1–16).

<sup>2</sup> All “A” citations are to First Amended Appendix to Appellant’s Opening Brief.

Abuse of a Child; Unlawful Sexual Contact First Degree; Sexual Abuse of a Child by a Person in a Position of Trust, Authority or Supervision Second Degree; and Sexual Solicitation of a Child. A1290–91. The jury acquitted Williams of the remaining charges. A1291. On February 18, 2022, the Superior Court sentenced Williams to an aggregate of 71 years at Level V, suspended after 22 years for Level III probation. Ex. A to First Am. Opening Br.

Williams appealed and filed his Opening Brief. This is the State’s Answering Brief.

## **SUMMARY OF THE ARGUMENT**

I. Appellant's first claim is DENIED. The Superior Court did not abuse its discretion in denying Williams's request for a mistrial after a witness's unsolicited outbursts calling him a liar. The witness's statements were brief and unsolicited; any prejudice from them was overwhelmed by the other, significant evidence in the case corroborating details of the victims' testimony; the jury was not likely to have been prejudiced or misled by the comments; and the court effectively mitigated any prejudice by admonishing the witness and instructing the jury to disregard the last comment.

II. Appellant's second claim is DENIED. The Superior Court did not abuse its discretion in denying Williams's motion for a mistrial after witnesses mentioned that another boy (who had not alleged any misconduct) lived with Williams or slept at his house, and had vacationed with Williams and one of the victims. Testimony about the other boy was relevant and did not unfairly prejudice Williams. Moreover, Williams's Confrontation Clause claim is meritless because no witness testified about any statements made by the boy.

## STATEMENT OF FACTS

On July 18, 2018, New Castle County Police officer Mary McGrath responded to a call for a domestic incident at Katty Cordova's residence in Wilmington. A509–10. Cordova is the mother of A.G. and E.H.<sup>3</sup> A462. A.G., the younger of the two sons, was at Cordova's home when Officer McGrath arrived. A510. A.G. was 17 at the time and had been living with Williams at Williams's home in New Castle, Delaware. A510–11. Williams had been made legal guardian for A.G. in 2017, prior to A.G.'s junior year in high school. A502–03, 615.

A.G. reported to Officer McGrath that he had had an altercation with Williams earlier in the day at Williams's home and Williams had hit him. A510–11, 619–21. A.G. also told the officer that Williams had performed "unwanted sexual things" on previous occasions. A511, 621. As a result, Williams was arrested for the domestic incident<sup>4</sup> and New Castle County Police began an investigation into the sexual abuse allegations. A514, 516.

During the course of the investigation, A.G.'s older brother, E.H., also disclosed to the police that Williams had sexually abused him when E.H. was a minor and living at his mother's, Cordova's, home in New Castle. A361–62, 393,

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<sup>3</sup> To protect their privacy and because they were minors at the time the crimes were committed, all three victims are referred to by their initials.

<sup>4</sup> Williams later pled guilty to offensive touching for his actions during the altercation. A1056.

397, 688. On September 27, 2019, New Castle County Police went to Williams's home to arrest him. A689. When officers arrived, Williams's nephew, A.D., who was 13, was in the lower level of the home in a home theater room playing video games. A690. A.D. disclosed to the police that Williams had touched him in sexually inappropriate ways on several occasions when he slept over at Williams' house. A692–93, 727–28, 730; Ct. Ex. 2. Investigators transported A.D. to A.I. DuPont Hospital for Children where he met with a forensic nurse and was interviewed a second time by police. A692–93.

At trial, E.H. testified that he and his brother, A.G., met Williams in 2008, when he was 12 and in fifth grade, and A.G. was 7 or 8. A361–64. At the time, Williams lived two doors down from Cordova's house where E.H. and A.G. were living. A362–63. Initially, E.H. met Cyree,<sup>5</sup> a 14-year-old boy who was living with Williams.<sup>6</sup> A363. E.H. and A.G. began going over to Williams's house on a regular basis to play with Cyree, and E.H. also began sleeping over on the weekends. A366. One night, E.H. could not sleep and told Williams, who invited E.H. to come sleep in his bed. A374. E.H. testified, “[T]hat's how it started.” *Id.*

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<sup>5</sup> Williams asserts that Cyree's name is spelled Ky'ree; however, the State was unable to confirm the legal spelling of his name and, thus, uses the spelling found in the trial transcripts.

<sup>6</sup> As discussed below, the trial court prohibited the State from bringing up that Cyree lived with Williams; however, that information was discussed at sidebar and is relevant to Williams's claims.

The first time something happened, Williams gave E.H. a massage, cracked his back and then performed oral sex on E.H. A377. After that, the abuse would occur often, almost every time E.H. spent the night. A377, 381. “Eventually, it wasn’t just oral. [Williams] made me . . . put my penis inside of him.”<sup>7</sup> A378. Most of the time, the abuse would occur in Williams’s bedroom, but sometimes it would happen in a hotel room when they vacationed at amusement parks. A379. Williams had season passes to several amusement parks. A377.

The abuse went on for about four to six months until after the end of the school year when E.H. went to live with his father in Florida. A382. But E.H. would sometimes come back to visit family; Williams would pay for his plane tickets. A382–83. Williams continued to abuse E.H. during those visits. A397.

Sometime in 2013, E.H. told Cyree about the sexual abuse. A386. Shortly thereafter, E.H. was visiting Delaware and staying with Williams when a New Castle County Police officer came to speak to him about the allegations. A350, 388. The police officer testified that when he entered Williams’s residence at the time, he saw video surveillance cameras outside the home, in the interior foyer area, and in one of the corners of the ceiling inside, focused on the living room area. A350. Williams had a large television with surround sound and several gaming systems, and E.H.

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<sup>7</sup> E.H. did not disclose the anal sexual intercourse until just before trial, so Williams was not charged for that conduct. A356.

was there playing a video game. A350–51. When questioned by this officer, E.H. denied that any sexual contact had occurred with Williams. A351. The officer also spoke with A.G. at Cordova’s home, and he too denied anything inappropriate occurring between him and Williams. A349. E.H. explained that he was scared to talk about the abuse at that time. A390. He finally reported the abuse in 2018 when he learned of his brother’s disclosures while he (E.H.) was on vacation<sup>8</sup> with Williams. A393.

A.G. testified at trial that he first started going over to Williams’s house when he was between 7 and 9 years old; he would tag along with E.H. and Cyree. A546. He and E.H. would often go over to Williams’s house to “chill” with Cyree and Williams. A548. After E.H. moved away, A.G. continued to go over to Williams’s often; he would hang out with Cyree, play video games, and talk to Williams. A551. Williams had a lot of video game systems, and his house was a fun environment in which to be. *Id.* A.G.’s father was in prison at the time. A552.

After a while, Williams moved to an address in Wilmington. A553. A.G. would still visit, but not as often and Williams had to pick him up. A554. On occasion, A.G. would spend the night at William’s house and would sleep in Williams’s bed. A554, 563. One night, A.G. woke up and found Williams’s hand

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<sup>8</sup> E.H. took three trips with Williams over several months in the summer of 2018. A391–92.

on his bare butt, beneath his underwear and pajamas. A563. A.G. recalled that he was still in elementary school at the time. A564.

A.G. testified that when E.H. was still living in Delaware, he once showed A.G. some pornography on the television. A567. A.G. continued to watch pornography after E.H. left and Williams caught him when he discovered pornography in the PlayStation's browser's search history. A568–703. Williams continued to catch A.G. watching pornography over the years and put parental controls on the PlayStation, internet browsers, and on A.G.'s phone. A573. *See* A1041–42, 1096–98 (Williams's testimony about the measures he took to keep A.G. from watching pornography). One evening when A.G. was in middle school, A.G. had just finished watching pornography on his phone when Williams knocked on the door of his home. A576. Cordova and A.G.'s stepfather were not home. *Id.* Williams was visibly angry and upset with A.G. for watching pornography and made him go to his house, which was a 5 to 10 minute walk away.<sup>9</sup> A578–89. Williams told A.G. he had come up with a way to deal with his porn addiction. A580–81. A.G. could either go along with Williams's plan or Williams would tell A.G.'s mother. A580. A.G., afraid of what his mother would do, opted to go along with Williams. A581.

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<sup>9</sup> In August 2014, Williams had moved back to a residence closer to A.G.'s home. A577–78, 1035.

Williams called his plan “sessions.” A581. Williams would have A.G. get naked and sit in a black computer chair in his bedroom. A588. The first night, Williams attached some kind of electrical stimulants to A.G.’s upper thighs, near his genitals, but A.G. panicked and cried, so Williams put the device away. A589–90. Williams never used the device again, but he scheduled the sessions to occur every other week. A583, 591. On the days the sessions were to occur, A.G. would sleep over. A583, 585. Williams would give A.G. blue and yellow pills that Williams said were for sleeping. A582. After the pills would begin to kick in, Williams had A.G. sit naked from at least the waist down in a black computer chair in his (Williams’s) bedroom. A591. Williams would play a pornography video on his laptop, which displayed the video on the television through an HDMI cord. *Id.* Williams sat on the bed to A.G.’s left and told him “don’t look at me, don’t worry about me, this is about you.” A591–92. A.G. would have to masturbate to the porn video. A592. A tan towel was placed on the ground in front of him to catch the ejaculate when he was done. A592–93. After the first session was complete, Williams placed his hand on top of A.G.’s hand and guided him to make sure he got all of the ejaculate out of his penis. A593. A.G. recalled that the sessions happened at least four or five times and concluded when he was a freshman or sophomore in high school. A595–96. A.G. did everything he could to try to avoid the sessions,

and he did not want anyone to know about them. A595, 598. He saw Williams as a father figure. A598, 614.

In 2017, A.G. moved in with Williams and Williams became his guardian. A615. By then, the sessions had stopped. A618. A.G. was beginning his junior year of high school. A615. He chose to live with Williams so that he could continue to attend the same high school because Cordova had moved out of the school district. *Id.* Williams gave A.G. advice, helped him with school, bought his clothes, provided him with cell phone service and other technology, and gave him a blue Camaro to drive. A616. But Williams was also very strict about where A.G. could be, tracking his phone and car, and he had cameras in the house. A617. In July 2018, Williams and A.G. argued and Williams hit A.G. A620. Williams then took A.G. to Cordova's home where A.G. disclosed the sexual abuse. A621. Cordova pulled a knife on Williams, told him to get out of her house, and called the police. *Id.* A.G. did not know that his brother had also disclosed sexual abuse by Williams until he heard about it in the media. A624.

A.D. testified at trial that Williams is his uncle—his mother is Williams's brother. A788, 790. During the 2018–2019 school year, A.D. was 12 years old. A789–90. He started the year in the fourth grade, but moved up to the fifth grade in the middle of the year. A790. A.D. visited Williams on the weekends, about every two weeks. A791. He played video games with him in the home theater and

sometimes spent the night at Williams's home. A792, 796. He also went on a cruise with Williams, just the two of them. A793. On the day the police arrived, A.D. was playing video games in the home theater after school. A794–95. A.D. claimed at trial that he did not recall anything that he told the police and that he had lied to them, but he did recall that he went to the hospital because they asked him if he had gotten raped and he said yes. A797–98, 816–817. A.D. testified that he did not get raped. A817. The State introduced A.D.'s statements to police under 11 *Del. C.* § 3507, in which he told the investigators that Williams had touched him in a sexually inappropriate manner over his clothes on a number of occasions. A827–30, 1150–52.

Williams testified at trial and denied that anything inappropriate had happened with E.H., A.G., or A.D. A1034, 1043, 1065. Otherwise, his testimony corroborated many aspects of the children's stories, including that he first met E.H. and A.G. when they started hanging out with Cyree; all three victims spent nights at his house; he took the boys on trips, each by themselves; and A.G. lived with him during his junior year of high school. A1031, 1036, 1038, 1040, 1067–70, 1083, 1085, 1089–90, 1104–05. Williams also confirmed that he caught A.G. watching pornography on the PlayStation when he was 8 years old and that he continued to catch him watching pornography on different media over the years. A1041–42. Williams explained that he activated parental controls on the PlayStation and other devices to curb the

behavior. A1042. He also installed Norton Family software on A.G.'s phone and set up key word alerts that would notify him when A.G. was searching for restricted material. A1096–98. Williams acknowledged that he had prescriptions for Lunesta and amitriptyline for insomnia and that he gave A.G. sleeping medication when he asked for it. A1043, 1094. Williams also admitted that A.G. would sometimes sleep in his bed, but not when he was in it. A1084, 1090.

## ARGUMENT

### I. THE SUPERIOR COURT DID NOT ABUSE ITS DISCRETION IN DENYING WILLIAMS'S REQUEST FOR A MISTRIAL AFTER A WITNESS'S UNSOLICITED OUTBURSTS CALLING HIM A LIAR.

#### Question Presented

Whether the Superior Court abused its discretion in denying Williams's request for a mistrial after a witness's unsolicited outbursts calling him a liar.

#### Standard and Scope of Review

This Court reviews the denial of a motion for mistrial after an unsolicited response by a witness for abuse of discretion.<sup>10</sup> A trial judge's decision on a mistrial application should only be reversed "if it is based upon unreasonable or capricious grounds."<sup>11</sup> Claims of constitutional violations are reviewed *de novo*.<sup>12</sup>

#### Merits of the Argument

Katty Cordova testified at trial through an interpreter, but Cordova could also speak and understand English. A460, 487. During her testimony the State asked Cordova "[w]hat time period would your children spend at the defendant's residence?" A468. Cordova replied, "Friday to Sunday," but then added in English,

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<sup>10</sup> *Pena v. State*, 856 A.2d 548, 550 (Del. 2004) (citing *Taylor v. State*, 690 A.2d 933, 935 (Del. 1997)).

<sup>11</sup> *Revel v. State*, 956 A.2d 23, 27 (Del. 2008).

<sup>12</sup> *Panuski v. State*, 41 A.3d 416, 419 (Del. 2012); *Martini v. State*, 2007 WL 4463586, at \*2 (Del. Dec. 21, 2007).

“He’s a freaking liar.” A468–69. As the interpreter continued to interpret Cordova’s response, Cordova again said, “liar.” A469. The court then admonished Cordova not to have any outbursts. *Id.* Defense counsel asked that the jury be taken out so that the court could get control of the situation, but the court denied the request. *Id.* As the interpreter continued, Cordova said, “And he would say that he was helping him with his homework. He was such a liar.” *Id.* Defense counsel then moved for a mistrial at sidebar, arguing “it’s prejudicial to the defendant which will reflect on his credibility when he does testify.” A469–70. The court denied the request, opting instead to break for the day and to admonish the witness. A470–71. The court then instructed the jury to disregard the last comment that was given (A471) and instructed Cordova: “We have a certain level of decorum in a courtroom. We don’t have outbursts, we don’t have people yelling at other people, and we don’t have people pointing fingers and calling them names.” A473. Cordova indicated that she understood. *Id.* The next day, Cordova completed her testimony. *See* A490–507.

An accused has a constitutional right to trial by an impartial jury of his peers.<sup>13</sup> Williams claims the trial court erred in denying his motion for a mistrial because Cordova’s unsolicited comments prejudiced him and infringed on his Sixth Amendment right to an impartial jury. First Am. Opening Br. at 15. Williams’s

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<sup>13</sup> *Hughes v. State*, 490 A.2d 1034, 1040 (Del. 1985) (citing *Irvin v. Dowd*, 366 U.S. 717, 721 (1961) and the Sixth Amendment to the U.S. Constitution).

claim is unavailing. The court’s denial of his request was not an abuse of its discretion and Cordova’s comments were not so prejudicial as to violate his constitutional right to an impartial jury.

“Granting a mistrial is an extraordinary remedy, warranted ‘only when there is ‘manifest necessity’ and ‘no meaningful and practical alternatives.’”<sup>14</sup> In deciding whether the Superior Court abused its discretion in refusing to grant a mistrial for a witness’s outburst, this Court balances four factors (“the *Pena* factors”)—1) “the nature, persistency, and frequency of the witness’s outburst,” 2) whether the outburst created a likelihood that the jury would be prejudiced, 3) the closeness of the case, and 4) “the curative or mitigating action taken by the trial judge.”<sup>15</sup> “A trial judge is in the best position to evaluate the prejudicial effect of an outburst by a witness upon the jury.”<sup>16</sup> Applying the four-part test here, Cordova’s outburst did not warrant a mistrial.

Cordova’s comments were brief and unsolicited,<sup>17</sup> and Williams does not dispute that this factor weighs against him. *See* First Am. Opening Br. at 16. Instead,

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<sup>14</sup> *Burns v. State*, 968 A.2d 1012, 1018 (Del. 2009), *as corrected* (May 4, 2009) (citations omitted).

<sup>15</sup> *Taylor*, 690 A.2d at 935.

<sup>16</sup> *Id.*

<sup>17</sup> *See Smith v. State*, 963 A.2d 719, 723 (Del. 2008) (finding that comments that were fleeting and unsolicited weigh against granting a mistrial).

Williams argues this case was close because the State relied heavily on the testimony of the victims and the credibility of the witnesses to establish that the abuse occurred when and how the victims claimed it did. *See id.* at 18. For that reason, he also asserts that Cordova’s outburst likely prejudiced the jury. *Id.* at 16. But, contrary to Williams’s argument, Cordova’s outburst did not create a likelihood of prejudice because, even though the case was credibility-based, the outburst was significantly eclipsed by the quantity and quality of the evidence corroborating the victim’s accounts. And Cordova’s bias, as the mother of two of Williams’s victims, would not likely have been surprising to the jury.

This case, “like many child molestation cases, ultimately rest[ed] on the jury’s evaluation of the parties’ credibility.”<sup>18</sup> But, here, although no physical evidence directly supported A.G.’s and E.H.’s abuse allegations, an abundance of evidence corroborated their recollections of when and where events occurred, thus minimizing the impact of any prejudice from Cordova’s comments. And because Williams had not yet testified, his veracity was not an issue before the jury at the time Cordova made her comments. Moreover, the jury acquitted Williams of all charges stemming from A.D.’s allegations, indicating Cordova’s outburst did not affect the jury’s ability to impartially consider the witnesses’ credibility.

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<sup>18</sup> *Burns*, 968 A.2d at 1020.

A.G. and E.H. offered clear descriptions of the abuse inflicted upon them by Williams, which were corroborated by evidence confirming the details of their relationships with Williams. A police officer testified that when he visited Williams's house in 2013, he noticed surveillance cameras inside the residence, that Williams had a large television with surround sound and several gaming systems, and that E.H. was there at the time playing video games. A350-51. Cyree's mother testified that she knew Williams and that Cyree played at Williams's house until June of 2012 when Cyree left the state. A330, 339. Cyree knew E.H. and A.G. and communicated some with E.H. after Cyree left Delaware. A339. Cordova corroborated details about when A.G. and E.H. first met Williams, how much time they spent with him over the years, and the different locations in which she and Williams had resided. A464-68, 490-91, A501-02. In addition, Cordova testified that Williams admitted to her that he had given A.G. sleeping pills. A505.

The police confirmed during a search of Williams's home a year prior to his arrest that he had camera mounts in his home and empty camera boxes and they learned that he had prescriptions for Zopiclone and Lunesta. A684-86, 704. Moreover, the State played a recording of a phone call between Williams and his fiancée while he was incarcerated, in which he acknowledged that A.D. had been sleeping over at his house and he pondered whether he became "this monster" when he was under the influence of his medications. A880-81; State's Ex. 2. Ultimately,

Williams's own testimony corroborated many of the details of A.G.'s and E.H.'s descriptions of their relationships with him, lending credibility to their claims that he had sexually abused them. For example, Williams agreed that the boys spent nights at his house, that A.G. slept in his bed (without him in it), that he had surveillance cameras inside his house at some point, that he activated software on A.G.'s phone to notify him when A.G. was searching for pornography, that he took each of the boys on trips alone, and that he gave A.G. sleeping pills.

Cordova's comments did not create a likelihood that the jury would be prejudiced or misled by them.<sup>19</sup> And the trial court promptly and effectively addressed the issue. Cordova was obviously emotional when testifying about a very sensitive subject. A470. Immediately after her first outburst calling Williams a liar, the court told her "no outbursts." A469. The trial court acted swiftly to minimize the impact of Cordova's comments, admonishing Cordova after her first and second comments and instructing the jury after the third instance to disregard the last comment. Williams argues that the jury instruction was not sufficient, but trial counsel did not request a more extensive instruction during trial. Indeed, further instruction might have drawn additional, unwarranted attention to Cordova's

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<sup>19</sup> See *Burns*, 968 A.2d at 1020 (noting that the second *Taylor* factor addresses whether the outburst creates a likelihood that the jury would be prejudiced or misled).

comments. In any case, any prejudice resulting from Cordova's unsolicited comments was minimal and, the trial court's instruction effectively mitigated any prejudice.<sup>20</sup> The four *Pena* factors weigh against finding the Superior Court abused its discretion in refusing to grant Williams's mistrial request based on Cordova's outburst.

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<sup>20</sup> *Hamilton v. State*, 2013 WL 6492153, \*2 (Del. Dec. 9, 2013) (“[A] trial court’s ‘prompt curative instructions presumptively cure error ... [and] ‘adequately direct the jury to disregard improper matters’ from consideration.” (citations omitted)). See also *Dawson v. State*, 637 A.2d 57, 62 (Del. 1994) (“Prejudicial error will normally be cured by the trial judge’s instructions to the jury.”).

**II. THE SUPERIOR COURT DID NOT ABUSE ITS DISCRETION IN DENYING WILLIAMS’S MOTION FOR A MISTRIAL AFTER WITNESSES MENTIONED THAT CYREE LIVED WITH WILLIAMS, HAD SLEPT AT HIS HOUSE, AND HAD VACATIONED WITH WILLIAMS AND ONE OF THE VICTIMS.**

**Question Presented**

Whether the Superior Court abused its discretion in denying Williams’s request for a mistrial after witnesses mentioned that Cyree lived at Williams’s house or slept there and had vacationed with Williams and one of the victims.

Whether testimony about Cyree violated the Confrontation Clause.

**Standard and Scope of Review**

“This Court reviews the denial of a motion to declare a mistrial for abuse of discretion.”<sup>21</sup> Claims of constitutional violations are reviewed *de novo*.<sup>22</sup>

**Merits of the Argument**

When E.H. and A.G. first met Williams, 14-year-old Cyree Watson was living with Williams and Williams was Cyree’s guardian. A333, 335. The brothers began going over to Williams’s house and spending the night there to spend time with

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<sup>21</sup> *Michaels v. State*, 970 A.2d 223, 229 (Del. 2009) (citing *Bugra v. State*, 818 A.2d 964, 966 (Del.2003)).

<sup>22</sup> *Panuski v. State*, 41 A.3d 416, 419 (Del. 2012); *Martini v. State*, 2007 WL 4463586, at \*2 (Del. Dec. 21, 2007).

Cyree. A362–66, 546, 548. In 2013, E.H. first reported Williams’s abuse to Cyree. A386. By the time of trial, Cyree had passed away. A328.

Sometime prior to trial, most likely in a pretrial conference on November 5, 2021 (*see* D.I. 36),<sup>23</sup> the trial court ruled that the State could not present evidence that Cyree lived with Williams or that Williams was Cyree’s guardian. *See* A333, 335. The court later held during trial that the State could not mention that Cyree spent the night at Williams’s house, but witnesses could testify that the boys played with Cyree. A335, 337. It is not clear from the docket whether a record was made of that pretrial ruling, and Williams did not request or provide a transcript of it.<sup>24</sup> However, the scope of the ruling was discussed during trial.

Cyree was mentioned a number of times by witnesses testifying at trial. The State’s first witness was Cyree’s mother, Latonya Smith. A327–28. She testified that she first met Williams when he was living in the same building and Cyree was 6 or 7 years old. A329. In 2003 or 2004, Williams moved in with her as a roommate and helped with Cyree while she was struggling with drug addiction. A330–31.

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<sup>23</sup> The trial prosecutor recalls that the court made its ruling in a pretrial conference, but the State could not confirm from the docket or from the Superior Court’s Case Management System (JIC) when the conference occurred or if a court reporter was present.

<sup>24</sup> *See* Supr. Ct. R. 14(e) (“[T]he appellant’s appendix shall contain such portions of the trial transcript as are necessary to give this Court a fair and accurate account of the context in which the claim of error occurred and must include a transcript of all evidence relevant to the challenged finding or conclusion.”).

When Smith began testifying that Cyree continued to maintain a relationship with Williams after she moved to North Carolina, Williams objected based on hearsay and relevance. A332. Counsel argued that the fact that Cyree spent the night at Williams’s house was irrelevant and prejudicial because it suggested something bad was going on with that relationship. A335–36. The court reiterated that the State could not discuss that Cyree lived with Williams. A334–35. However, when the prosecutor tried to ask whether the victims could talk about the fact that they had sleepovers with Cyree at Williams’s house, the court replied, “We’re going to cross that bridge when we get to it.”<sup>25</sup> A337. The prosecutor then limited her questioning of Smith to avoid mention that Cyree lived with Williams. *See* A339–41.

E.H. testified that he first met Williams through Cyree and that he played with Cyree at Williams’s house. A364–66. When asked what would happen when he spent the night at Williams’s house, E.H. responded that there came a point when “I

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<sup>25</sup> The specific exchange went as follows:

Prosecutor: These boys can’t talk about the fact that they slept with Cyree at the defendant’s house? Is that also not permissible?

Defense Counsel: Why would that be relevant?

Prosecutor: Okay. So we’re not going to talk about the fact that Cyree was –

Defense Counsel: Why are you yelling at me? I’m just making an objection.

The Court: We’re going to cross that bridge when we get to it.

A337.

stayed up all night and Cyree was sleeping.” A368. Defense counsel immediately objected, arguing: “It’s hard enough to defend the three people that he’s been charged with rather than impliedly defend with Cyree. Now he’s talking about Cyree’s sleeping at the house, which is something we weren’t supposed to talk about.” *Id.* The court asked counsel if he wanted a curative instruction and he said no. A368–69. The prosecutor pointed out that she had not elicited the question and the witness had been instructed not to mention that Cyree lived with Williams. *Id.* Defense counsel requested that the court take a short recess and instruct E.H. again not to mention Cyree. A370–71. The court instructed E.H. not to talk about Cyree staying overnight at Williams’s house. A371–72.

Later, E.H. testified that when he went on trips to amusement parks with Williams, sometimes Cyree or A.G. or Williams’s nephews would go with them. A380. Defense counsel did not object. Then, as a precursor to asking E.H. about his disclosure to Cyree, the State asked, “After you left Delaware . . . did you maintain any relationship with Cyree?” A383. Defense counsel objected and the following exchange occurred at sidebar:

[DEFENSE COUNSEL]: First of all, he mentioned Cyree again and unresponsively, and I didn’t object because I didn’t want to draw attention to it. I don’t know why this next question is relevant, number one.

Number two, I’m going to move for a mistrial. This whole thing about Cyree is calculated to suggest to the jury that something was going on with Cyree too, and it’s not relevant and the State persists in asking questions about Cyree.

[PROSECUTOR]: The reason why, Your Honor, is because he disclosed the sexual abuse to Cyree and he is going to tell us that he disclosed the sexual abuse to Cyree, which was addressed earlier. So it is relevant and that's why I asked.

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It is relevant because my questioning of whether they continued to communicate once he left Delaware, he discloses this abuse to Cyree before he speaks to police in 2013.

[DEFENSE COUNSEL]: But Cyree is not available to confirm that.

[PROSECUTOR]: But it's not absolutely what Cyree said. It's – [E.H.] himself told Cyree this. And he has the opportunity to question [E.H.] about that . . . .

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. . . I'm not going to talk about what Cyree said, simply that E.H. disclosed the abuse, which is certainly relevant. As [defense counsel] pointed out in opening statement, there was no disclosure prior to speaking with the police, which was inaccurate. He did, in fact, disclose, which was documented in the police reports provided to [defense counsel].

[DEFENSE COUNSEL]: Well let's stick with what the relevant evidence is. As far as the record is concerned, it's his saying that he disclosed, and that's it.

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If we just limit it to that, that's fine if that's as far as it goes, because Cyree is obviously not available.

A384–86. E.H. then testified about his disclosure to Cyree in a manner consistent with defense counsel's request. A386, 389.

Cordova testified that when she first met Williams, she would see him in the evenings with Cyree. A464. But in response to a question from the prosecutor about when Williams moved out of her neighborhood, Cordova responded, “[H]e used to

live with Cyree, then he moved out to continue to live with Cyree.” A495. Defense counsel requested a sidebar and pointed out that Cordova had mentioned Cyree was living with Williams, which was exactly what the court had said could not be said, noting, “I don’t want to keep asking for mistrials.” A495–96. When asked if he wanted a curative instruction, defense counsel said:

I would ask you to do that, but I don’t know how we cure this. This woman is causing so much trouble here, she’s not that important of a witness. She’s now called him a liar in front of the jury, we’ve now introduced evidence you said was not admissible. I know it’s not [the prosecutor’s] fault, she didn’t elicit it, but it’s out here.

A497–98. The court told the prosecutor to continue her examination of the witness with yes or no questions and, at defense counsel’s request, instructed the jury to disregard the answer Cordova had given. A499–500.

Cyree was next mentioned during A.G.’s testimony. A.G. testified, without objection, about how he had met Williams through Cyree and had spent time with Cyree at Williams’s house even after E.H. left town. A546, 548, 551. But then A.G. responded to a question about why he continued to spend time with Williams after Williams had moved farther away with:

I liked being around [Williams] and Cyree. I saw him as family for me. I wasn’t too close with my own family on my dad’s side and I had issue with my mom’s side, so I felt more of a part of that family with Cyree and [Williams], that’s why I enjoyed staying over there.

A555. The court *sua sponte* requested a sidebar and pointed out that it “[s]eems as though every answer [A.G.] is giving is couched in reference to Cyree.” *Id.* The

judge then had the jury removed from the courtroom so that she could instruct A.G. not to mention Cyree, since “they don’t listen to [the prosecutor], apparently.” A556. The witness clarified that it was his understanding that he could mention Cyree but could not say that Williams was his guardian or that he slept in the bed with Williams. A557. The State then instructed A.G. to keep his testimony to playing with Cyree and being friends with him and to not add any additional information. A558.

Even so, defense counsel requested a mistrial, stating:

I don’t know what is so hard about it. First of all, I would like to echo what the Court has said, it is so clear to this jury that Cyree was living in the house with Mr. Williams. Every single time he mentioned that he went over to Mr. Williams’ house he added the fact that Cyree was there and he liked to go over there and hang out with him. I have a continuing objection to this, we’ve been dealing with this from the start. I don’t want to keep asking for mistrials but, I mean, why does he do that? Was he not instructed? I mean, it was fine to mention that he’s friends with Cyree, fine, but every single time he said that he went over to Mr. Williams’ house, he said he went over there to see Mr. Williams and to be with Cyree. It’s clear he was living there. That’s exactly what we were trying to avoid. And every single witness that gets on the stand is talking about Cyree, despite the Prosecutor saying that she has instructed her witnesses not to do exactly what they are doing.

A558–59. The court denied counsel’s request, noting that “[m]entioning that they played with Cyree is not the same as indicating that Cyree slept at the house or was at the house.” A559. But the court instructed A.G. to no longer mention Cyree. *Id.* A.G. apologized to the court—“I apologize, I just – it’s memory, so I apologize, it’s just a part of my memory, so I apologize for including him.” *Id.* A.G. did not

mention Cyree in his testimony again, except that on cross examination, defense counsel read a text to A.G. that he had sent to Williams in January of 2018, in which A.G. talked about Cyree. A637–41.

No other witnesses for the State mentioned Cyree. Williams claims the Superior Court erred in denying his motion for a mistrial because the “continual mentioning of Cyree” infringed upon his Sixth Amendment right to an impartial jury. First Am. Op. Br. at 22. He also asserts that his right to confrontation was violated because Cyree was not available to be cross examined at trial. *Id.* at 23. Williams’s claims are unavailing.

Williams’s Confrontation Clause claim lacks merit. The State introduced no statements made by Cyree, testimonial or otherwise. Therefore, the Confrontation Clause was not implicated.<sup>26</sup>

Williams’s mistrial argument also lacks merit. The circumstances surrounding the witnesses’ testimony about Cyree simply did not warrant a mistrial. To start with, the testimony was relevant.<sup>27</sup> E.H. and A.G. first met Williams through

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<sup>26</sup> See *United States v. Soriano-Jarquín*, 492 F.3d 495, 504 (4th Cir. 2007) (finding no violation of the Confrontation Clause when the government neither called the witness at trial nor introduced any statements by him, “because the confrontation right pertains only to adverse witnesses offering testimony at trial” (citing *Crawford v. Washington*, 541 U.S. 36, 51 (2004))).

<sup>27</sup> See D.R.E. 401 (“Evidence is relevant if (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.”).

Cyree and it was because of Cyree that they began spending time at Williams's house and sleeping over. In addition, E.H. first disclosed the sexual abuse to Cyree. "Relevant evidence is admissible,"<sup>28</sup> but it may also be excluded "if its probative value is substantially outweighed by a danger of . . . unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence."<sup>29</sup> In addition, evidence of other wrongs or bad acts is not admissible to prove a person's character to show that the person acted in conformity with that character, unless that evidence is used for an acceptable purpose such as to prove "motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident."<sup>30</sup>

Williams bases his argument on the premise that knowledge that Cyree lived with Williams, that Cyree slept at his house, or that Williams was Cyree's guardian was inherently prejudicial. He seemed to argue at trial that the jury might impute Williams's guilt for sexually abusing E.H., A.G., and A.D. from the fact that Williams also had Cyree living with him for a while. But evidence that Williams was Cyree's guardian, or that Cyree lived with Williams and slept at his house is not, in the abstract, "bad" or "wrong" acts as contemplated by D.R.E. 404(b). And

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<sup>28</sup> D.R.E. 402.

<sup>29</sup> D.R.E. 403.

<sup>30</sup> D.R.E. 404(b).

in order to find unfair prejudice from that information under D.R.E. 403, the Court must assume that the jury would be unable to separately consider any of the boys' allegations and that the jury would infer that, simply because Cyree lived with Williams, E.H.'s, A.G.'s, and A.D.'s allegations of sexual abuse must be true. That conclusion is contradicted by the jury's acquittal of Williams of all charges stemming from A.D.'s allegations.

In any case, the trial court, prior to trial, ruled, possibly based on Delaware Rules of Evidence 403 or 404(b), that aspects of Cyree's relationship with Williams were not admissible. Without knowing the basis for the court's ruling, this Court cannot fairly and accurately assess the reasoning behind the court's decision.<sup>31</sup> But even those statements that ostensibly violated the court's ruling did not warrant a finding of a mistrial. Of the witnesses who discussed Cyree, only three comments stand out as being outside of the scope of permitted testimony. E.H. said that he had stayed up one night at Williams's and Cyree was sleeping, implying that Cyree was also sleeping at Williams's house. E.H. testified that Cyree had sometimes gone on trips to amusement parks with him and Williams. And Cordova testified that

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<sup>31</sup> See *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987) (finding appellant has the burden of producing "such portions of the trial transcript as are necessary to give this Court a fair and accurate account of the context in which the claim of error occurred" (quoting Supr. Ct. Rules 9(e)(ii) and 14(e)); *Rittenhouse v. State*, 2014 WL 5690489 (Del. Nov. 3, 2014).

Williams had lived with Cyree and had moved away to continue to live with Cyree. The court instructed the jury to disregard Cordova's statement.

Notwithstanding that the court prohibited the State from mentioning that Cyree lived with Williams and slept at his house, the witnesses' statements to that effect did not unfairly prejudice Williams. The fact that E.H. and A.G. met Williams through their friendship with Cyree was inextricably intertwined with the narrative of how they came to know and feel comfortable with Williams. No evidence was offered at trial indicating Williams sexually abused Cyree. The fact that Cyree lived at Williams's house, had sleepovers with the other boys, or went on vacations to amusement parks with Williams and the other boys was not by itself harmful. In fact, it seems less prejudicial to Williams that E.H. and A.G. spent nights at his house to hang out with another boy their own age rather than to spend time with a grown man who lived alone.

Similarly, A.G.'s final statement about Cyree was neither objectionable nor prejudicial. A.G. said he liked being around Williams and Cyree and he felt that he was more a part of a family with the two of them than with his own family. The court *sua sponte* brought the comment to the parties' attention, but A.G. had not violated the court's prohibition on what testimony was permissible; he did not say that Cyree lived with Williams or slept at his house. Nor did he allege, either explicitly or implicitly, that anything inappropriate occurred between Cyree and

Williams. The court appropriately denied defense counsel's request for a mistrial after those comments.

In any event, as discussed above, the jury acquitted Williams of all charges stemming from his alleged abuse of A.D., indicating that the jury was able to separately consider each boy's allegations without conflating them. The jury did not improperly infer that Williams must have molested A.D. from its findings that he did molest A.G. and E.H., much less from any testimony indicating that Cyree lived or vacationed with Williams. In sum, witness testimony about Cyree did not unfairly prejudice Williams and, thus, did not warrant a mistrial.

## CONCLUSION

For the foregoing reasons, the judgment of the Superior Court should be affirmed.

/s/ Kathryn J. Garrison

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DATED: November 28, 2022



COUNT III. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT FIRST DEGREE**, in violation of Title 11, Section 769 of the Delaware Code.

RONNIE WILLIAMS, on or between the 14<sup>th</sup> day of March, 2011, and the 13<sup>th</sup> day of March, 2012, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. G., by touching his butt with his hand, and the victim was less than 13 years of age.

COUNT IV. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT FIRST DEGREE**, in violation of Title 11, Section 769 of the Delaware Code.

RONNIE WILLIAMS, on or between the 14<sup>th</sup> day of March, 2013, and the 13<sup>th</sup> day of March, 2014, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. G., by touching his penis, and the victim was less than 13 years of age.

COUNT V. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT SECOND DEGREE**, in violation of Title 11, Section 768 of the Delaware Code.

RONNIE WILLIAMS, on or between the 14<sup>th</sup> day of March, 2014, and the 13<sup>th</sup> day of March, 2015, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. G., by touching his penis, and the victim was less than 18 years of age.

COUNT VI. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT SECOND DEGREE**, in violation of Title 11, Section 768 of the Delaware Code.

RONNIE WILLIAMS, on or between the 14<sup>th</sup> day of March, 2015, and the 13<sup>th</sup> day of March, 2016, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. G., by touching his penis, and the victim was less than 18 years of age.

COUNT VII. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT SECOND DEGREE**, in violation of Title 11, Section 768 of the Delaware Code.

RONNIE WILLIAMS, on or between the 14<sup>th</sup> day of March, 2016, and the 13<sup>th</sup> day of March, 2017, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. G., by touching his penis, and the victim was less than 18 years of age.

COUNT VIII. A FELONY

#N \_\_\_\_\_

**SEXUAL ABUSE OF A CHILD BY A PERSON IN A POSITION OF TRUST, AUTHORITY OR SUPERVISION IN THE SECOND DEGREE** in violation of Title 11, Section 778A(1) of the Delaware Code.

RONNIE WILLIAMS, on or between the 14<sup>th</sup> day of March, 2011, and the 15<sup>th</sup> day of June, 2017, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. G., a child who had not yet reached that child's sixteenth birthday, and the defendant stood in a position of trust, authority or supervision over the child, or was an invitee or designee of a person who stands in a position of trust, authority or supervision over the child.

COUNT IX. A FELONY

#N \_\_\_\_\_

**CONTINUOUS SEXUAL ABUSE OF A CHILD**, in violation of Title 11, Section 776 of the Delaware Code.

RONNIE WILLIAMS, on or between the 14<sup>th</sup> day of March, 2011 and the 15<sup>th</sup> day of June, 2017, a period of time not less than three months in duration, in the County of New Castle, State of Delaware, while residing in the same home with the minor child or having recurring access to the child, did intentionally engage in three or more acts of sexual conduct with A. G., a child under the age of 18 years of age.

COUNT X. A FELONY

#N \_\_\_\_\_

**SEXUAL SOLICITATION OF A CHILD**, in violation of Title 11, Section 1112A of the Delaware Code.

RONNIE WILLIAMS, on or between the 1<sup>st</sup> day of September 2014 and the 15<sup>th</sup> day of June 2017, in the County of New Castle, State of Delaware, being eighteen years of age or older,

did intentionally or knowingly, solicit, request, command, importune or otherwise attempt to cause, A.G. a child to engage in masturbation, a prohibited sexual act.

COUNT XI. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT FIRST DEGREE**, in violation of Title 11, Section 769 of the Delaware Code.

RONNIE WILLIAMS, on or between November, 2018, and January 2019, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. D., by touching the victims butt with his penis, and the victim was less than 13 years of age.

COUNT XII. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT FIRST DEGREE**, in violation of Title 11, Section 769 of the Delaware Code.

RONNIE WILLIAMS, on or between November, 2018, and January 2019, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. D., by touching the victims butt with his hand, and the victim was less than 13 years of age.

COUNT XIII. A FELONY

#N \_\_\_\_\_

**UNLAWFUL SEXUAL CONTACT FIRST DEGREE**, in violation of Title 11, Section 769 of the Delaware Code.

RONNIE WILLIAMS, on or between November, 2018, and January 2019, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. D., by touching the victims penis, and the victim was less than 13 years of age.

COUNT XIV. A FELONY

#N \_\_\_\_\_

**CONTINUOUS SEXUAL ABUSE OF A CHILD**, in violation of Title 11, Section 776 of the Delaware Code.

RONNIE WILLIAMS, on or between November 2018, and January 2019, a period of time not less than three months in duration, in the County of New Castle, State of Delaware, while residing in the same home with the minor child or having recurring access to the child, did intentionally engage in three or more acts of sexual conduct with A. D., a child under the age of 14 years of age.

COUNT XV A FELONY

#N \_\_\_\_\_

**SEXUAL ABUSE OF A CHILD BY A PERSON IN A POSITION OF TRUST, AUTHORITY OR SUPERVISION IN THE SECOND DEGREE** in violation of Title 11, Section 778A(1) of the Delaware Code.

RONNIE WILLIAMS, on or between November 2018, and January 2019, in the County of New Castle, State of Delaware, did intentionally have sexual contact with A. D., a child who had not yet reached that child's sixteenth birthday, and the defendant stood in a position of trust,

authority or supervision over the child, or was an invitee or designee of a person who stands in a position of trust, authority or supervision over the child.

A TRUE BILL

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(FOREPERSON)

KATHLEEN JENNINGS  
ATTORNEY GENERAL

/s/ **Diana A. Dunn** \_\_  
DEPUTY ATTORNEY GENERAL

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONNIE WILLIAMS, )  
 )  
 Defendant Below, )  
 Appellant, ) Case No. 80, 2022  
 )  
 v. )  
 )  
 STATE OF DELAWARE, )  
 )  
 Plaintiff Below, )  
 Appellee. )

**CERTIFICATE 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 Time New Roman 14-point typeface using Microsoft Word 2016.
2. This brief complies with the type-volume limitation of Rule 14(d)(i) because it contains 7,333 words, which were counted by Microsoft Word 2016.

/s/ Kathryn J. Garrison (No. 4622)  
Kathryn J. Garrison  
Deputy Attorney General

DATE: November 28, 2022