



IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID JEWELL,)	
)	
Defendant-Below,)	
Appellant,)	
)	
v.)	No. 394, 2023
)	
STATE OF DELAWARE,)	
)	
Plaintiff-Below,)	
Appellee.)	

**ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF DELAWARE**

STATE'S SUPPLEMENTAL AMENDED OPENING BRIEF

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DATE: December 2, 2024

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PROCEDURAL POSTURE

After a four-day trial, a jury convicted David Jewell of Stalking, Harassment, and 27 counts of Terroristic Threatening. The Superior Court declared Jewall a habitual offender and sentenced him to a life term plus 25 years incarceration. Jewell appealed and filed an Opening Brief on March 19, 2024. The State filed its Answering Brief on May 10, 2024. On September 18, 2024, the Court held oral argument before a panel. On September 20, the Court sent notice to the parties that the matter would be scheduled for oral argument before the Court *en Banc* and requested that the State file a supplemental opening brief “identifying with particularity (including record citations) the specific communication that forms the basis for the allegation in Count II through XXVII of the operative indictment that the appellant ‘threatened to commit a crime likely to result in death’ to another person.” This is the State’s Supplemental Opening Brief.

COUNTS III THROUGH XXVII

Count III of the second amended indictment (“Amended Indictment”) charge David Jewell (“Jewell”) with Terroristic Threatening for conduct on or about the 28th day of February 2021 against another person. For this count, the State presented a telephone recording and testimony that on or about February 28, 2021, at approximately 10:00 a.m., Jewell threatened to harm his ex-wife’s current husband by saying, “I will beat her (H.) husbands head into the concrete when I get out ...I’ll make him swallow his teeth.” A113-14; State’s Ex. 3.

Count IV of the Amended Indictment charges Jewell with Terroristic Threatening for conduct on or about the 14th day of March 2021 against another person. For this count, the State provided testimony and a telephone recording establishing that on or about March 14, 2021, Jewell threatened another person by saying, “Who the fuck are you seeing, Andrea? Because I will fucking beat the fucking shit out of him when I get home. ... Who is it? Well, I’m letting you know, when I come home, and there’s a guy around my daughter, I will fucking destroy him. And then the prosecutor would have me a reason to put me in jail for a long time. Then I’ll give the fucking cunt a reason to put me in jail.” A116-18; State’s Ex. 5, at 11:39-12:29.

Count V of the Amended Indictment charges Jewell with Terroristic Threatening for conduct on or about the 22nd day of May 2021 against Andrea

Jordan and/or another person. For this count, the State introduced into evidence a telephone recording and testimony establishing that on or about May 22, 2021, Jewell threatened to harm Jordan and another person by saying, “You wait until I get home, MFer. Watch me. I’m gonna to make you regret some shit. No, I’m gonna to go after L.; she’s my first target. ... Watch me. You’re going to put me through this agony. You’re gonna make me come home and do a life sentence over you. You’re gonna fucking end up in a fucking box, bitch.” A118-20; State’s Ex. 6 at 2:20-2:38, 8:35-8:46.

Count VI of the Amended Indictment charges Jewell with Terroristic Threatening for conduct on or about the 25th day of May 2021 against Andrea Jordan. For this count, the State introduced into evidence a telephone recording and testimony establishing that on or about May 25, 2021, Jewell threatened to harm Jordan by saying, “Listen, enjoy your life now because you’re going to die when I get out, bitch... you think it’s a fucking joke.... Motherfucker, listen, I got one more chance when I get out. You keep treating me like shit, you keep treating me like shit, and A. ain’t gonna have no motherfucking mom. ... Andrea, you’re done. You have no clue what you just did. Fuck you and A.; you can both die.” A120-22; State’s Ex 7 at 3:11-3:38, 4:43-4:57.

Count VII of the Amended Indictment charges Jewell with Terroristic Threatening for conduct on or about the 27th day of May 2021 against Andrea

Jordan. For this count, the State introduced into evidence a telephone recording and testimony establishing that on or about May 27, 2021, Jewell threatened to harm Jordan by saying, “Andrea, D. and I are going to fight, when I come home, I’m going down Virginia and I’m gonna prove a point, and I’m gonna show you how much of a woman beater I am.” A122; State’s Ex. 8 at 00:48-00:54.

Count VIII of the Amended Indictment charges Jewell with Terroristic Threatening for conduct on or about the 27th day of May 2021 against another person. For this count, the State introduced a telephon recording and testimony establishing that on or about May 27, 2021, Jewell threatened another person by saying, “I’m going after D. ... I deserve a match, a fair fight with him and that’s what I want. ... Listen, I’m gonna to fuck him up when I get out. I’m telling you. You pass that message to him, if you talk to him, and you can tell L. the same thin, I’m coming for blood and I’m gonna prove a point. ... Andrea, you watch me. But I tell you what, if I’m down there and D. comes around, I will fucking, I’m gonn show you ... I don’t care how big he is. I got a point to prove.” A 122-23; State’s Ex. 8 at 01:00-01:06, 03:00-04:02.

Count IX of the Amended Indictment charges Jewell with Terroristic Threatening for conduct on or about the 29th of May 2021 against another person. For this count, the State introduced into evidence a telephone recording establishing that on or about May 29, 2021, Jewell threatened to hurt another

person by saying, “You’re lucky I’m in jail, you’re lucky I’m in jail, man, you’re lucky I’m in jail.” Andrea responds, “I’m trying to talk to you. I don’t want any problems.” Jewell says, “You’re gonna get ‘em, you’re gonna get ‘em. My sons and I will beat the fuck out of your new man. I already talked to Z. yesterday about that. Me and Z. are in the best shape of our fucking life right now. I’m going to cause you so much problems.” A123, A131; State’s ex 9 at 03:41-04:03.

Count X of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on the 28th day of May 2021 against another person. For Count X, the State introduced into evidence text messages establishing that on or about May 28, 2021, Jewell threatened another person by saying, “You’re hillbilly’s from Virginia [redacted word]. Z. and I are in the best shapes were gonna destroy your new man [redacted word]. You wanna war. ... Your gonna get one!” A633.¹

Count XI of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 29th day of May 2021 against another person. For this count, the State introduced a text message establishing that on or about May 29, 2021, Jewell threatened to hurt another person by saying, “... ur

¹ The State previously listed the following for this count: “I’m done talking. ... My actions you’ll see in 2024. Fuck you.” A633.

gonna end up regretting all this, I promise you! I'm gonna beat the shit out of your new man. Once I touchdown ... take care." A632.²

Count XII of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 2nd day of June 2021 against Andrea Jordan and/or another person. For this count, the State introduced into evidence testimony and a telephone recording establishing that on or about June 2, 2021, Jewell threatened Jordan and/or another person by saying, "I'm going to catch a life charge of of you when I get home. I'm afraid of what I'm going to do to you. ... Not only am I coming after you, but I'm coming after L. because she's hooking you up with guys. And her husband, I'm gonna to fuck him up when I get out. ... I'm coming after L.'s husband. ... Any MFer that's with you when I get out, I will destroy. You need to know that. ... My mom's dead. I have nothing to live for anymore. You understand what I am saying to you? And a bitch-ass PFA is not gonna keep me away. Bring the MFing dude around your house when I get out and watch what I will do. ... Listen to me. You're gonna pay for this. ... Watch. You're gonna pay. ... Andrea, I'm coming to Virginia when I get out. I'm coming

² The State previously listed the following for this count: "I'm so upset N hurt that your [sic] doing me like you are!!!!!! Fell like I need to get even. You hurt me so I need to hurt you!!! I want you to feel my pain!!!! You think your all that cuz some MFer is giving U attention N UR going to beach N Virginia plus other shit!!!! Now UR go to me huh!!!!!! I'll make sure you regret all this !!!!! Just know that!!!!!! Tell your man Im [sic] coming for him!!!! He wants to take my spot, hes [sic] gonna have to earn it thru me!!!! Promised made promised will be kept!! Enjoy yourself!!!!!" A632.

for L. Let her husband know, when you see him, tell him I'm gonna beat his fucking teeth down his throat. ... Listen I hope you did and I hope A. dies. You understand me? I'm gonna show you how real I am, MFer. You're dead to me, bitch, you hear me? ... I'm coming for you when I get out. You hear me? Watch, watch, watch. ... I'm not coming after you, I'm coming after L.'s husband for fucking bringing guys around you. ... Andrea, listen, I'm coming for you when I get out. You won't hear from me for another three years but watch your back when I get out. You hear me? I swar on A.'s beating heart. Watch your back.”³ A132-34; State's Ex. 10 at 1:28-1:47, 6:30-6:52, 8:40-9:13, 10:24-11:10, 11:40-11:50, 12:27-12:41.

Count XIII of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 18th day of July 2021 against Andrea Jordan. For this count, the State introduced into evidence a telephone recording and testimony establishing that on or about July 18, 2021, Jewell threatened Jordan by saying, “ ... and you need to start treating me with some kind of fucking respect as a fucking parent and stop shitting on me like I'm a fuckin nobody before I come home and fuck you up. ... I'm telling you, you're pushing me in a corner way too fucking much, and I'm tired of being disrespected and treated like shit by you, and you're out that acting like a fucking victim, and when I snap you want to run out to

³ This is an expanded version of what the State previously listed for this count.

fucking play fucking victim. ... I'm not gonna be locked up forever. You fail to fucking accept. You keep treating me like shit, and you're gonna fucking regret it, Andrea. ... You're gonna regret treating me like shit. ... You need your fucking ass beat, that's what you need. ... I'm gonna get you back for how you left me in here struggling like this, you understand me? I promise you that." A137-39; State's Ex. 12 at 02:57-03:40, 06:18-06:20, 06:58-07:05, 07:31-07:37.

Count XIV of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 14th day of August 2021 against another person. For this count, the State introduced testimony and telephone records establishing that on or about August 14, 2021, Jewell threatened another person by saying, "Listen. A. ran her mouth to me when I was in Pennsylvania on the phone, right? When I come home, I'm coming after husband, and I'm gonna put him in the hospital. I swear I am. Watch me. Watch me. I'm telling you, I'm coming after T. T.'s gonna care when I smash his teeth in and A. can't kiss him cuz' his jaw's wire up. I don't forget shit like that. Tell T. I will be seeing him when I get home."⁴ A140; State's Ex. 14 at 01:31-01:50, 03:10-03:20, 04:09-04:13.

Count XV of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 14th day of September 2021 against Andrea Jordan and/or another person. For this count, the State introduced into

⁴ This is an expanded version of what the State previously listed for this count.

evidence a telephone recording establishing that on or about September 14, 2021, Jewell threatened Jordan by saying, “Andrea, I’m going to come home and kill you, do you understand me? ... I’m going to take you off this planet. ... Andrea, you fat nasty pig, I’m going to rape you and rape your daughter, bitch, fuck you.”⁵ A143-44; State’s Ex. 16 at 0050-01:09.

Count XVI of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 16th day of September 2021 against another person. For this count, the State introduced into evidence a telephone recording establishing that on or about September 16, 2021, Jewell threatened another by saying, “[M.G.] wanted to come talk to you—he just got out, he was my boy for real close an’ he wants to fuck D. up. He was gonna have a couple of Thunder Guard guys come fuck and fuck D. up. He wanted D.’s address because they’re taking a trip down South on a bike run and they were gonna jump on D. and shoot him. But M. wanted to come to your house and talk to you about it, not to cause you problems, they’re after D. because they fell like it’s wrong to fuck with another guy’s girl when he’s in jail. They want to shoot him. That’s what M. wants to do. They want to catch him slipping. M. told me to tell you to not say

⁵ The State previously listed the following for this count: “I don’t want to be with you anymore. I don’t want to be with you anymore. I just want to know who—I wanna to know—I wanna know who this MFing dude is because I’m gonna fucking destroy his ass. I’m gonna have my boy M. find out who this is and have the Thunder Domes beat him the fuck up.” State’s Ex. 15,16.

nothing. Let him come around a few months and let him get comfortable and they're gonna catch him and they're gonna shoot. ... And listen when I get out, I'm not the one going to to be doing D. I'm gonna have someone else take care of it because I can't come back to jail. I'm gonna liet M. and the Thunder Guards deal with it ... and one day he's gonna come out and get shot the fucked up." A146; State's Ex. 17 at 08:32-09:49. (Recording dated 9-16-2021 – 1703 (trial redaction)).

Count XVII of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 18th day of September 2021 against Andrea Jordan. For this count, the State introduced into evidence a telephone recording establishing that on or about September 18, 2021, Jewell threatened Jordan by saying, "You're gonna pay, do you hear me? ... You think it's okay to ignore me all night? Who was you with—A. andrea, I'm not believing that. You have to come more than that or I'm going to bring problems to your house with A. there while you're asleep. ... You guys have me so twisted, A. ... You're going to be really sorr. ... Your family is going to miss you when they bury you. ... I have nothing to lose. ... I'm coming home for you. ... I'm coming home to your doorstep, and you aren't gonna like what I'm bringing." A151; State's Ex. 20 at 00:11—0:09; 02:48-03:31 (recording of 9-18-2021_835 trial redaction).

Count XVII of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 19th day of September 2021 against Andrea Jordan. For this count, the State introduced into evidence a telephone recording establishing that on or about September 19, 2021, Jewell threatened Jordan by saying, “I’m going to call M. when I get off and tell him to follow you around and shoot D. ... and if you’re around, then you’re going to catch a bullet, too. Cuz’ Bambam already talked about coming after you, but I told him no, I just wanted D. done. ... Listen, watch your back. ... And if A. is around, she’ll catch a bullet too. You understand me? ... I just sent you a text saying don’t worry about it, but I’m trying to set you up to be comfortable. Watch yourself. I’m done.” A152-53; State’s Ex. 21 at 08:55-09:30, 10:11-10:21.

Count XIX of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 19th day of September 2021 against A.J., a minor. For this count, the State introduced into evidence a telephone recording establishing that on or about September 19, 2021, Jewell threatened L. by saying, “D. is going to get shot. I’m going to call M. when I hang up with you and tell him to follow you around and shoot D. ... and if A. is around she’ll catch a bullet too. ... Watch yourself. I’m done.” A153; State’s Ex. 21 at 08:55-09:07, 10:10-10:14.

Count XX of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 25th day of September 2021 against

another person. For this count, the State introduced into evidence a telephone recording establishing that on or about September 25, 2021, Jewell threatened another person by saying, “D.’s gonna get beat the fuck up and shot. I’m tellin’ you. You think you’re gonna go back to him? You keep—if you think you’re gonna to back to him, you’ve got another think comin’.” A153-54; State’s Ex. 19 at 03:53-04:04.

Count XXI of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 26th of September 2021 against Andrea Jordan. For this count, the State introduced into evidence a telephone recording, text messages, and testimony establishing that on or about September 26, 2021, Jewell threatened Jordan by saying, “If you were in front of me, I’d punch you in your fucking mouth. ... My day is coming. I pray A. dies or get raped and I pray you die and get raped and used. How dare you throw D. in my face. ... I swear on A., you will pay for letting D. tell you what to do. I fucking told you if he called to ignore his calls. Instead you fucking talked to him and let him change your mind. ... Bam Bam knocks on your door early morning hours, I don’t care. You want D. over me. ... Andrea, please talk to me. Please. ... Now you’re saying you need time. You only want time to fuck D. you fuck D., I’ll kill you and o life in prison. I do not care at this point.” A153-154, A349-51; State’s Ex. 22 at 11:39-11:42 (9.26.21 1757 (Trial Redaction 2).mp4).

Count XXII of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 27th of September 2021 against Andrea Jordan. For this count, the State introduced into evidence a telephone recording and testimony establishing that on or about September 27, 2021, Jewell threatened Jordan by saying, “Andrea, Andrea, listen to me. I’m going to kill you when I get out, do you understand that? I’m fucking going to set you on fire and I’m going to fucking beat the fuck out of D. You hear me? Listen to me clearly. Listen to me clearly. No, listen to me. I’d do life. I’m going to kill you. I’m coming home for you. I’m going to kill you. I’m going to kill you. You hear me? I’m going to kill you. I swear on my daughter’s beating heart I’m gonna come home and kill you. You understand me? I swear on everything. You hope they don’t, you better hope they don’t let me out of jail, motherfuckker. ... I’m telling you right now, and I swear on my dead mom, I am coming home and I’m gonna put a bullet in your fucking chest and I’ll kill A., too. You understand me? I’m coming home to kill you. I swear to God, I’m coming home to kill you. And A. You hear me? I’m coming home to kill you and A. Goodbye.” A153-54; State’s Ex. 22 at 00:00-00:33, 02:35-02:56 (9.27.21 1826 (Trial Redaction).mp4).

Count XXIII of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 27th of September 2021 against A.J., a minor. For this count, the State introduced into evidence a telephone recording and

testimony establishing that on or about September 27, 2021, Jewell threatened A.J. by saying, “I’m telling you right now, and I swear on my dead mom, I am coming home, and I’m gonna put a bullet in your fucking chest and I’ll kill A., too. You understand me? I’m coming home to kill you. I swear to God, I’m coming home to kill you. And A. You hear me? I’m coming home to kill you and A. Goodbye.” A153-54; State’s Ex. 22 at 02:35-02:56 (9.27.21 1826 (Trial Redaction).mp4).

Count XXIV of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 10th of September 2021 against another person. For this count, the State introduced into evidence text messages establishing that on or about September 10, 2021, Jewell threatened another person by saying, “Tell your bitch boy, I’m gonna fucking beat the shit out of him when I get my hands on him!! ... I’m not going away until I taste your mans blood on my hands!”⁶ A526.

⁶ The State previously listed the following for this count: “Andrea, who is this new guy?? Before I send my boy M. over to your house??? YOU BETTER FUCKING TELL ME, CAUSE IM GONNA have the shit beaten out of the dued!! Now tell me Andrea he’s name???? I want his name n address now??? ... NOW WHO THE FUCK IS HE????? ... NOW, I need to find out where he live, n his nameso [sic] he can pay the price he has not clue! I’m coming for him, and others will be soon, – as someone follows n find out where he lives ... I’m blocking you now. Just know whore, you fucked up! Don’t get mad at me now! when shit happens!” A525.

Count XXV of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 17th of September 2021 against Andrea Jordan. For this count, the State introduced into evidence text messages establishing that on or about September 17, 2021, Jewell threatened Jordan by saying, “Just wait, have ur shit shot up while A. n you sleeping whore! ... ur dead A.’s dead, D.’s dead, watch.” A514.

Count XXVI of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 17th of September 2021 against A.J., a minor. For this count, the State introduced into evidence text messages establishing that on or about September 17, 2021, Jewell threatened A.J. by saying, “Just wait, have ur shit shot up while A. n you sleeping whore! ... ur dead A.’s dead, D.’s dead, watch.” A514.

Count XXVII of the Amended Indictment charges Jewell for Terroristic Threatening for conduct on or about the 27th of September 2021 against Andrea Jordan. For this count, the State introduced into evidence text messages establishing that on or about September 27, 2021, Jewell threatened Jordan by saying, “I’LL DO LIFE IN PRISON JUST SO U WON’T BE WITH D. AND ILL DO LIFE SO A. DOESN’T HAVE HER MOM NOW IM IN A RAGE MFER U JUST TOLD ME LAST NIGHT U LOVED ME NOW ALLLL CUZ U GAVE IT N IT D. U WANNA LEAVE ME AGAINST AFTER LAST NIGHT U TOLD ME

U LOVE ME SEE ITS NOT ADDING UP IF ITS NOT D. IT'S A DOWN DOWN
SMYRNA THAT DID UR FEET." A487.

CONCLUSION

Based on the foregoing facts, this Court should affirm the judgment of the Superior Court.

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**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 Times 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 4,065 words, which were counted by Microsoft Word 2016.

Dated: December 2, 2024

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