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IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT BOYLES, Defendant—Below, Appellant v. STATE OF DELAWARE Plaintiff—Below, Appellee.	)	No. 349, 2025

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF DELAWARE

APPELLANT'S OPENING BRIEF

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TABLE OF CONTENTS

TABLE OF CITATIONS

Cases

Court Rules, Constitutional Rules, and Statutes

NATURE AND STAGE OF PROCEEDINGS

On July 10, 2024, Boyles was arrested and charged with three counts of Possession of a Firearm by a Person Prohibited and three counts of Possession of Ammunition by a Person Prohibited. A1, D.I.#1; A6–8. Boyles was indicted on September 9, 2024. A1, D.I.#4; A6–8. Boyles was charged as a person prohibited based upon a prior felony fourth offense Driving Under the Influence conviction. A6–8.

On December 10, 2024, Boyles filed a Motion to Suppress, arguing that the administrative search of his residence by probation officers, which yielded the firearms evidence against him, had exceeded the scope of probation's statutory authorization to search "individuals". A2, D.I.#11; A10–22. The State filed its Response in Opposition to the Defendant's Motion to Suppress on January 16, 2025. A2, D.I.#13; A23–66. Boyles filed a Reply to the State's Answer March 10, 2025. A2, D.I.#18; A67–71.

The trial court conducted an office conference on April 2, 2025, in which Boyles and the State were able to offer supplemental arguments on the Motion to Suppress in response to questions from the trial court, which described its analytical framework for consideration of the Motion. A3, D.I.#20; A72–81, Op. Br. Ex. A. The trial court denied the Motion to Suppress in a written Order dated April 14, 2025. A3, D.I.#22; A82–83, Op. Br. Ex. B.

Boyles' trial began on July 28, 2025, and lasted three days. A3–4, D.I.#35–40. On the second day of trial, July 29, Boyles moved for judgment of acquittal, which was granted as to counts three and six of the indictment, involving a bolt-action rifle and an associated single round of ammunition. A4, D.I.#37–38; A7–8; A398–404.

At the conclusion of trial on July 30, the jury found Boyles guilty of counts one and four of the indictment, involving a handgun and associated ammunition, and not guilty of count five of the indictment. A1; A5, D.I.#40; A6–7; A488–89. The jury was unable to reach a verdict on count two and it was later resolved by a *nolle prosequi* filed by the State on September 12, 2005. A1; A5, D.I.#46; A486–89.

After the verdict, Boyles was immediately sentenced to one year of concurrent Level 3 probation on each count. A5, D.I.#41; A503; Op. Br. Ex. C. Both counts were nonviolent Class D felonies. A494–95.

This is Boyles' Opening Brief to his timely filed notice of appeal.

SUMMARY OF THE ARGUMENT

1. The trial court erred as a matter of law when it cast aside the unambiguous language of 11 *Del. C.* § 4321(d), which authorizes only probation searches of "individuals", and followed a handful of recent Delaware Superior Court opinions in misinterpreting the statute to allow searches of probationers' homes. Though the trial court characterized the issue as "well-settled,"[1] it acknowledged that this Court has never made a finding about the scope of the statutory authority conferred by 11 *Del. C.* § 4321(d)'s reference to the search of "individuals". Op. Br. Ex. B, A82–83. Recent Superior Court precedent, which undergirded the trial court's decision, erroneously attempted statutory interpretation by disregarding the plain language of the statute and selectively applying canons of statutory interpretation.[2] The Superior Court has repeatedly ignored the extent to which Probation and Parole plainly overstepped the authority granted by the legislature, promulgated regulations to claim power that it was never given, and wielded that ill-gotten power against the vital core of Delawareans' long-established privacy rights: the liberty and peace of the home.

[1] Op. Br. Ex. B at *2, A83.
[2] Op. Br. Ex. B at fn. 2, A82–83 (citations omitted).

STATEMENT OF FACTS

The Motion to Suppress

Probation officers detained Boyles when he attended an office meeting at 3:30 PM with Probation Officer Shupe at the Georgetown Probation and Parole Office on July 10, 2024. A11. A Probation supervisor approved an administrative search of the Milford residence that Boyles shared with his girlfriend. A11. At 4:30 PM, Probation Officers Shupe, Milligan, and Karol began a search of the residence, while Karol kept Boyles detained in the living room area. A12. Officers found two guns and their ammunition in a northwest bedroom, and a third gun and ammunition in a northeast bedroom. A12.

After the guns were found, officers summoned Detective Ward, assigned to the Governor's Task Force, who collected the evidence and questioned Boyles. A12. Boyles told Ward that he knew his girlfriend, Leah Haasen, owned firearms but had thought she was storing them at her cousin's residence. A12.

Boyles asserted that 11 *Del. C.* § 4321(d) plainly limits search authorization to "individuals" and such unambiguous language must control interpretation of the statute. A13–14. Boyles also argued that principles of statutory construction would dictate the same reading of the statute, highlighting the explicit categories used to delimit search powers in 11 *Del. C.* § 2301. A15–16. Boyles also cited legislative

history of 11 *Del. C.* § 4321(d) to support a distinction between individuals and the premises they inhabit. A16–17; A22.

State's Response

The State asserted that the administrative search of the residence was prompted by a tip to Shupe and Milligan that Boyles had taken weapons belonging to his girlfriend, Leah Haasen, and hidden them from her. A24. Per Milligan, who later called her, Haasen had affirmed the tip as to Boyles possessing and hiding two guns. A24.

The State centered its response upon recent Superior Court precedent upholding administrative searches of the home under 11 *Del. C.* § 4321(d). A26–29 (citations omitted). The State also argued that Supreme Court precedent in cases challenging probation compliance with its administrative search regulations, particularly Parole and Probation Procedures 7.19, implicitly blessed Probation's asserted authority though that statutory authority itself had never been challenged before this Court. A29–32 (citations omitted).

Defendant's Reply to State Response

In reply, Boyles highlighted inconsistencies among several cases cited by the State and challenged the Superior Court's authority to modify the clearly worded provisions of 11 *Del. C.* § 4321(d). A67–70.

Office Conference

At the office conference preceding decision on the motion to suppress, the trial court expressed that "I think I am sort of bound on the case law on this subject regardless of what I think about it. I do need to do a little bit of research about how binding these decisions are on me . . ." A77. Boyles pointed out that other Superior Court precedent was not binding on the trial court, particularly noting the absence of a Supreme Court decision directed at the issue. A79.

Order Denying Motion

The trial court's two paragraph order denying the Motion did not set forth any independent analysis of the arguments presented, instead asserting that it "must" deny the argument as "well-settled," with reference to other cases. A82–83, Op. Br. Ex. B (citations omitted).

Trial

Boyles and Haasen had an "on-and-off" relationship. A365; A324. Boyles had been sleeping on Haasen's couch in the living room, "the majority of the time." A327; A202; A324; A366; A389. He sometimes slept in her bedroom. A327. One rifle and a handgun, with their ammunition, were found inside Haasen's bedroom, which she had previously shared with Boyles. A244–246. The rifle was under a dresser. A246. The handgun was found inside of a lunchbox cooler which was inside the bottom drawer of a different dresser, nearest to the closet in the bedroom. A211; A245–46. Officers found clothing and medication belonging to Boyles in a middle

drawer of the dresser where the handgun was found, and a GPS battery atop the dresser. A290–91; A303; A246. Haasen testified that she had moved his clothing into a dresser in the bedroom. A328. The bolt-action rifle was found in the closet of the bedroom across the hall, where Haasen's late father had previously resided. A246–47; A280; A326.

Haasen was the lawful owner of the firearms. A324. Haasen believed the two firearms discovered in her bedroom should have been in the closet. A327. The discovery of the guns was not recorded, as Probation officers did not have body-worn cameras. A208. Milligan and Haasen testified as to differing recollections of their unrecorded conversation on July 10, 2024, with Milligan testifying that Haasen had blamed Boyles for moving her firearms because she could not locate them. A346. Haasen did not recall communicating that conclusion to Milligan. A357. Haasen recalled speculating to Ward that Boyles "probably could have" moved them, but she had never seen him physically interact with the firearms. A358. When Ward, a Delaware State Police Detective, took possession of the firearms evidence, he did not send the evidence for either DNA or fingerprint testing, believing neither was necessary. A229; A250–51. Boyles told Ward that he did not know the firearms were inside the residence and believed they had been moved. A389.

Haasen was unaware of the existence of her late father's bolt-action rifle that was stored and discovered in the closet of his bedroom. A358–60. Officers had never

told Haasen where the guns were found, except to say they "were not where [Haasen] said they were supposed to be." A329; A360. Haasen "hardly ever" used her guns and had not used either of the two discovered in her bedroom since a year and a half before the search. A362. During the intervening period, after her father's death, her mother and cousin had removed the two guns from her possession due to concern over her grief, bringing them back about six months later. A362–63. Haasen testified that her cousin cleans her house on a weekly basis, is "into guns", and had been providing house cleaning ("he comes over and does everything") around the time of the search. A364.

The trial court granted Boyles' motion for judgment of acquittal on the charges relating to the bolt-action rifle and associated ammunition because there was insufficient evidence "to show that Mr. Boyles knew the weapon was there." A403.

I. THE TRIAL COURT ERRED AS A MATTER OF LAW WHEN IT RULED THAT 11 *DEL. C.* § 4321(d) AUTHORIZES PROBATION TO CONDUCT WARRANTLESS ADMINISTRATIVE SEARCHES OF A HOME.

Question Presented

Should this Court disregard the clear meaning of "individuals" in 11 *Del. C.* § 4321(d) and construe the statute to authorize probation searches of the home? A10–83.

Scope of Review

A trial court's formulation and application of legal concepts to a motion to suppress are reviewed *de novo*.[3]

Merits of Argument

"Where the intent of the legislature is clearly reflected by unambiguous language in the statute, the language itself controls."[4]

> It is well established that courts have no authority to vary the terms of a statute of clear meaning or ignore mandatory provisions. If a statute is not reasonably susceptible to different conclusions or interpretations, courts must apply the words as written, unless the result of such a literal application could not have been intended by the legislature. Further, when a statute is clear and unambiguous there is no need for statutory interpretation.[5]

[3] *Juliano v. State*, 254 A.3d 369, 376 (Del. 2020).
[4] *Spielberg v. State*, 558 A.2d 291, 293 (Del. 1989).
[5] *Bd. Of Adjustment of Sussex Cnty. v. Verleysen*, 36 A.3d 326, 331 (Del. 2012) (internal citations and quotations omitted).

Legislative history "cannot change the meaning of an unambiguous statute."[6] Ambiguity, as a threshold issue that opens the door to legislative history and other canons of statutory construction, only exists where "(1) the statute is reasonably susceptible of different conclusions or interpretations, or (2) a literal interpretation of its words would lead to 'a result so unreasonable or absurd it could not have been intended by the legislature.'"[7] "A statute is not rendered ambiguous, however, simply because the parties disagree about the meaning of the statutory language."[8] Strenuous efforts to disagree do not, by their mere existence, allow courts to discard the plain language of the law and dig deeper.

Authority to conduct searches of a home is explicitly limited to those which are authorized by statute or Constitution under 11 *Del. C.* § 2301: "No person shall search any person, house, building, conveyance, place or other thing without the consent of the owner (or occupant, if any) unless such search is authorized by and made pursuant to statute or the Constitution of the United States."

Because "the legislative authority that permits probation and parole officers to effect searches of the individuals they supervise is title 11, section 4321(d) of the Delaware Code",[9] 4321(d) controls the scope of probation's authority to adopt

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[6] *Id.* at 332.
[7] *State v. Young,* 314 A.3d 688, 694 (Del. Super. 2024) (quoting *Snyder v. Andrews,* 708 A.2d 237, 241 (Del. 1998).
[8] *Ross v. State*, 990 A.2d 424, 429 (Del. 2010) (citations omitted).
[9] *Sierra v. State,* 958 A.2d 825, 828-29 (Del. 2008).

"regulations governing warrantless searches of probationers".[10] Superior Court's application of that statute is squarely and entirely the issue here. If the probation search was not conducted within the scope of lawful statutory authority, it was quite simply a warrantless, illegal search of the home, which violated the State and Federal Constitutions.[11]

The trial court treated its ruling as if it were bound in part by other Superior Court cases. Though prior Superior Court precedent has adopted a diverse set of approaches to the issue,[12] the common analytical thread is the unreasonable belief

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[10] *Id.*

[11] U.S. Const. amend. IV ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."); DE CONST, Art. 1, § 6 ("The people shall be secure in their persons, houses, papers and possessions , from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.").

[12] See Op. Br. Ex. B., fn. 2:

> *State v. Crooks*, 2024 WL 5297956, at *4 (Del. Super. Ct. Dec. 31, 2024) ("This Court in *State v. Stovall* held that a plain reading of §432l(d), is clearly construed to subject (probationers] to searches, including searches of [their] residence . . . .") (citing *State v. Stovall*, No. 2204002054 (Del. Super. Ct. May 23, 2023)); *State v. Young*, 314 A.3d 688 (Del. Super. Ct. Jan. 31, 2024) (finding that the use of the term "individual" in § 432l(d) is ambiguous and was intended to authorize searches of probationer 's homes); *State v. Groce*, 2024 WL 1463417 (Del. Super. Ct. Apr. 4, 2024) (reiterating the court's reasoning in *Young*, 213 A.3d

that § 4321(d) cannot simply mean what it says. The recent profusion of Superior Court opinions on the topic do not reflect a firmly rooted consensus, but rather a series of rushed searches for a convenient foothold, reaching a varied and internally inconsistent set of endpoints.

Some rulings held that the words of § 4321(d) plainly contain authorization for residential searches,[13] treating the language as unambiguous in a manner directly contrary to Boyles' contentions. For that analysis to hold, it must rest upon the erroneous conclusion that Boyles *cannot reasonably claim* that "individuals" refers to persons and not their homes, despite 11 *Del C.* § 2301 evincing careful legislative efforts to treat the two as distinct concepts, and the home's unique status in search and seizure jurisprudence.[14]

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688); *State v. McCary*, No. 2005003004 (Del. Super. Ct. Aug. 13, 2021) (D.I. 46, Tr. of Bench Ruling on Aug. 13, 2021 at 19-22) (finding that the term "individual" as used in§ 4321(d) must extend to probationers' residences because concluding otherwise would lead to an absurd result); *State v. Mariney*, 2023 WL 11951339, at *4 (Del. Super. Ct. Oct. 7, 2024) ("Delaware courts have consistently recognized the authority of probation officers to search individuals' homes under 11 Del. C. § 4321 and Parole and Probation Procedures 7.19 and 7.3.").

[13] *State v. Crooks*, 2024 WL 5297956, at *4 (Del. Super. 2024) (citing *State v. Stovall*, No. 2204002054 (Del. Super. Ct. May 23, 2023)).

[14] See, e.g. *Payton v. New York*, 445 U.S. 573, 597 (1980) ("The zealous and frequent repetition of the adage that a 'man's house is his castle,' made it abundantly clear that both in England and in the Colonies 'the freedom of one's house' was one of the most vital elements of English liberty."); *Mason v. State*, 534 A.2d 242, 246–49 (Del. 1987) (Discussing the history underpinning the presumptive unreasonableness

"Individuals" as used interchangeably with "persons" is supported not just by the distinctions of 11 *Del C.* § 2301, but by reference to 1 *Del. C.* § 302(15), which limits the definition of "person" for purposes of statutory construction across the Delaware Code, to "individuals" and certain business entities. That definition should be understood through the lens of 11 *Del. C.* § 203, which guides interpretation of Criminal Code statutes through the "fair import" of the words used. Ergo, the Code's use of "person" in Title 11 should lead probation, the State, and Delaware courts to conclude that for probation, the word "person" simply refers to an "individual." The interchangeable usage demonstrates that the distinction between searches of persons and houses in 11 *Del C.* § 2301 is extremely and specifically meaningful in the present case.

Alternatively, the Superior Court has separately claimed, without clearly identifying ambiguity in § 4321(d), [15] that it would be *absurd* if the legislature had not authorized searches of probationers' residences because "[c]ommon sense dictates that the legislature gave deference to the Department of Correction because probationers are under their supervision."[16] Whatever deference Department of Correction may receive, searches of the home are much more carefully regulated,

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of warrantless searches of the home and the "stringent requirements" that limit even a warrant search of a home at nighttime.)

[15] *State v. McCary*, No. 2005003004 (Del. Super. Ct. Aug. 13, 2021) (Transcript at A61: "The State and Defendant agree that Section 4321 is unambiguous.").

[16] *McCrary*, Transcript at A63.

pursuant to 11 *Del C.* § 2301. Claiming that a "presumptively unreasonable"[17] law enforcement search of the home that requires specific statutory authorization may be simply read into the Delaware Code by regulatory fiat of the executive branch is surely not such common sense as to render the alternatives *absurd*. As the United States Supreme Court once described the legislative provision of regulatory authority, "Congress, we have held, does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not, one might say, hide elephants in mouseholes."[18]

The *McCrary* ruling fleetingly raised the point that Probation's Conditions of Supervision, signed by probationers, authorize home searches, connecting it to the idea that this Court implicitly views such searches as constitutional.[19] Subsequently and explicitly, this Court deemed that logic unpersuasive as applied to identical language (governing juvenile probation) in § 4321(f).[20]

A third approach, propounded in *State v. Young*,[21] found § 4321(d) ambiguous[22] and examined the legislative history behind it. Though it acknowledged

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[17] *Mason* at 247.
[18] *Whitman v. American Trucking Associations*, 531 U.S. 457, 468 (2001) (citations omitted).
[19] *McCrary*, Transcript at A62.
[20] *Sharp v. State*, 2024 WL 5114143, at *3, n.57 (Del. 2024).
[21] *State v. Young*, 314 A.3d 688 (Del. Super. 2024)
[22] *Id.* at 694, asserting as reasonable the position that "searches of individuals" includes searches of probationers' persons and homes.

that both the House Committee Minutes and the House Committee Report contained substantial evidence that 4321(d) did not intend to authorize the search of homes,[23] it also reviewed the House Deliberation Audio.[24] Though it found that the audio was sufficient to outweigh the contrary and clear evidence from the House Committee, and had no evidence from the Senate, the opinion erroneously overvalued the weight of a single use of the word "premises"[25] within the audio to conclusively determine that the legislature had intended to authorize home searches.[26]

Young then applied the doctrine of *stare decisis* as further supportive of its statutory interpretation.[27] "The doctrine of *stare decisis* exists to protect the settled expectations of citizens because, '[e]lementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly.' The same principles also explain the weight given to long-standing administrative interpretations that have been relied upon by the public."[28]

Young, in applying *Barnes*' approach to *stare decisis*, overvalued its role in interpretation of the relevant statutes because the doctrine is rooted in matters of public reliance, not State intrusion. *Stare decisis* should not serve to overcome

[23] *Id.* at 697–99.
[24] *Id.* at 699–700.
[25] *Id.* at 700.
[26] *Id.*
[27] *Young* at 700–02 (citations omitted).
[28] *State v. Barnes*, 116 A.3d 883, 891 (Del. 2015).

Delaware's limitation on searches of the home under 11 *Del C.* § 2301, nor can it overcome unambiguous language; it is evidence of legislative intent.[29] Supreme Court decisions which very clearly did not address Boyles' argument,[30] which has not been previously raised before this Court, should not serve to preclude it.

Other statutory interpretation principles support the conclusion that § 4321(d)'s use of "individuals" does not include houses. Courts must "ascribe a purpose to the General Assembly's use of particular statutory language,"[31] and in that effort, the principle of *expressio unius est exclusio alterius* applies: the expression of one thing indicates the exclusion of another.[32] Courts seeking to interpret § 4321(d) must read it *in pari materia*,[33] referencing other statutes involving the same subject matter to discern meaning, which underlines the significance of 11 *Del C.* § 2301, 1 *Del. C.* § 302(15), 11 *Del. C.* § 203 in reaching a clear understanding of the term "individuals".

The recent salvo of Superior Court jurisprudence on § 4321(d) has missed the mark. This Court should define the scope of § 4321(d) for Delawareans by asserting the importance of the statute's plain language and clear meaning. Within that proper

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[29] *Young* at fn. 80 (citations omitted).
[30] Op. Br. Ex. B. (fn. 3 citations omitted).
[31] *PHL Variable Ins. Co. v. Price Dawe 2006 Ins. Trust, ex. rel. Christiana Bank & Trust Co.*, 28 A.3d 1059, 1070 (Del. 2011).
[32] *Brown v. State*, 36 A.3d 321, 325 (Del. 2012).
[33] *Richardson v. Bd. of Cosmetology & Barbering of State*, 69 A.3d 353, 357 (Del. 2013).

scope, the search of Boyles' residence snaps into focus as an unlawful search, conducted in the absence of legislatively conferred authority.

CONCLUSION

For the reasons and upon the authorities cited herein, the judgment of the Superior Court should be reversed.

Respectfully submitted,

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