



**IN THE SUPREME COURT OF THE STATE OF DELAWARE**

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

ON APPEAL FROM THE SUPERIOR COURT  
OF THE STATE OF DELAWARE

**STATE'S ANSWERING BRIEF**

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# TABLE OF CONTENTS

	<b>PAGE</b>
Table of Authorities .....	ii
Nature and Stage of the Proceedings .....	1
Summary of the Argument.....	3
Statement of Facts .....	4
Argument	
I.    SECTION 4321(d) ALLOWS FOR THE SEARCH OF A PROBATIONER’S HOME .....	6
A. The Short Route: Section 4321(d) Unambiguously Allows for the Search of a Probationer’s Home .....	9
B. The Long Route: Looking Beyond the Text of Section 4321(d) Shows that It Authorizes the Search of a Probationer’s Home .....	16
1. <i>Stare Decisis</i> and Thirty-Five Years of Precedent.....	16
2. Section 4321(d)’s Legislative History .....	21
3. Probation’s Practices at the Time the Legislature Enacted Section 4321(d) .....	25
4. Canons of Construction.....	25
Conclusion .....	28

## TABLE OF AUTHORITIES

### Cases

<i>Blue Beach Bungalows DE, LLC v. State</i> , 2025 WL 3768232 (Del. Dec. 30, 2025).....	19
<i>Brown v. State</i> , 36 A.3d 321 (Del. 2012).....	28
<i>Chevron, U.S.A. v. Nat. Res. Def. Council, Inc.</i> , 467 U.S 837 (1984) .....	23
<i>Council 81, American Fed’n of State, County &amp; Municipal Employees v. State</i> , 293 A.2d 567 (Del. 1972).....	9, 27
<i>De Los Santos v. Allstate Property and Casualty Insurance Co.</i> , 2025 WL 2092402 (Del. July 25, 2025).....	9
<i>Doroshov, Pasquale, Krawitz &amp; Bhaya v. Nanticoke Mem’l Hosp., Inc.</i> , 36 A.3d 336 (Del. 2012).....	14
<i>Handy v. State</i> , 268 A.2d 865 (Del. 1970).....	12
<i>Jackson v. State</i> , 643 A.2d 1360 (Del. 1994) .....	12
<i>Juliano v. State</i> , 260 A.3d 619, 626 (Del. 2021) .....	12
<i>McAllister v. State</i> , 807 A.2d 1119 (Del. 2002) .....	19
<i>Moore v. Wilm. Housing Authority</i> , 619 A.2d 1166 (Del. 1993) .....	18
<i>Reybold v. Parker</i> , 11 Del. 544 (Del. 1883) .....	13
<i>Richardson v. Bd. Of Cosmetology &amp; Barbering of State</i> , 69 A.3d 353 (Del. 2013).....	28
<i>Sibbly v. State</i> , 102 A.2d 702 (Del. 1954) .....	12
<i>State v. Barnes</i> , 116 A.3d 883 (Del. 2015).....	passim

<i>State v. Crooks</i> , 2024 WL 5297956 (Del. Super. Ct. Dec. 31, 2024).....	7, 16, 21
<i>State v. Groce</i> , 2024 WL 1463417 (Del. Super. Ct. Apr. 4, 2024) .....	7, 21
<i>State v. Harris</i> , 734 A.2d 629 (Del. Super. Ct. 1998) .....	19
<i>State v. Mariney</i> , 2008012017, (Del. Super. Ct. May 18, 2022) .....	7
<i>State v. Mariney</i> , 2023 WL 11951339 (Del. Super. Ct. Oct. 7, 2024) .....	7
<i>State v. Mayor of Wilmington</i> , 163 A.2d 258 (Del. 1960).....	9
<i>State v. McCary</i> , No. 2005003004 (Del. Super. Ct. Aug. 13, 2021) .....	7
<i>State v. Stovall</i> , No. 2204002054 (Del. Super. Ct. May 10, 2023).....	7
<i>State v. Young</i> , 314 A.3d 668 (Del. Super. Ct. Jan. 31, 2024) .....	passim
<i>State v. Zebley v. Mayor &amp; Council of Wilm</i> , 163 A.2d 258 (Del. 1960).....	23
<i>Walker v. State</i> , 205 A.3d 823 (Del. 2019).....	10
<i>Wilkerson v. State</i> , 338 A.3d 477 (Del. 2025) .....	6
<i>Word v. State</i> , 2001 WL 762854 (Del. June 19, 2001).....	19

**Other Authorities**

1 <i>Del. C.</i> § 301 .....	11
1 <i>Del. C.</i> § 302 .....	11
1 <i>Del. C.</i> § 302(15).....	10, 28
11 <i>Del. C.</i> § 203 .....	28
11 <i>Del. C.</i> § 2301 .....	10, 12, 28
11 <i>Del. C.</i> § 2302 .....	12

11 <i>Del. C.</i> § 2303 .....	12
11 <i>Del. C.</i> § 2304 .....	12
11 <i>Del. C.</i> § 2305 .....	12
11 <i>Del. C.</i> § 2310 .....	12
11 <i>Del. C.</i> § 4321(d).....	3, 8, 14, 21
Del. Const. art. I, § 6.....	11
<i>Person</i> , Black’s Law Dictionary (12th ed. 2024) .....	13
<i>Stare Decisis</i> , Black’s Law Dictionary (12th ed. 2024) .....	18
U.S. Const. amend. IV .....	11

## NATURE AND STAGE OF THE PROCEEDINGS

On September 9, 2024, a grand jury indicted Robert A. Boyles (“Boyles”) on three counts each of Possession of a Firearm by a Person Prohibited (“PFBPP”) and Possession of Ammunition by a Person Prohibited (“PABPP”). (A1; A6-9).

On December 10, 2024, Boyles filed a Motion to Suppress. (A2; A10-A22). That motion sought to suppress the firearms and ammunition forming the basis of the charges against Boyles. (A13-18). On January 16, 2025, the State responded to the motion. (A2; A23-65). On March 10, 2025, Boyles replied. (A2; A67-71). On April 2, 2025, the Superior Court held an office conference to discuss the motion. (A3; A72-81<sup>1</sup>). On April 14, 2025, the court issued an order denying the motion. (A3; A82-83).

Boyles’ jury trial began on July 28, 2025. (A4). On July 29, 2025, the court granted a motion for judgment of acquittal on one count each of PFBPP and PABPP, Counts III and VI of the Indictment. (A4; A398-404; A411-12). On July 30, 2025, the jury returned a guilty verdict on one count of PFBPP and one count of PABPP. (A5; A488-89). For the two remaining counts, the jury returned a not guilty verdict on one and failed to reach a unanimous verdict on the second, which the State ultimately resolved by entry of a *nolle prosequi*. (A5; A488-90).

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<sup>1</sup> Exhibits A-C to the Opening Brief appear in the Appendix to the Opening Brief. The State cites to where they appear in that appendix.

The Superior Court immediately sentenced Boyles to one year of concurrent Level 3 probation on each count, with all jail time suspended. (A5; A502-03).

Boyles filed a timely notice of appeal and an opening brief. This is the State's answering brief.

## SUMMARY OF THE ARGUMENT

I. Appellant’s argument is denied. The Superior Court correctly found that the law surrounding whether 11 *Del. C.* § 4321(d) (“Section 4321(d)”) permits the search of a probationer’s home is well settled. This Court has for decades found that searches of a probationer’s home done pursuant to Section 4321(d) are lawful. And, in every instance in which it has been raised, the Superior Court has rejected the specific argument that Boyles advances here—that Section 4321(d) authorizes only the search of a probationer’s physical person. While there has been some disagreement in the Superior Court as to whether Section 4321(d) is ambiguous, each jurist to address the issue has rejected the substance of Boyles’ argument. Regardless of their agreement *vel non* on Section 4321(d)’s ambiguity, every Superior Court decision has relied on the decades of precedent from this Court and concluded that searches of homes pursuant to Section 4321(d) are lawful. This Court should follow its own precedent and the well-reasoned conclusions of the trial court.

## STATEMENT OF FACTS

In July 2024, Officer Dylan Shupe (“Shupe”) was a probation officer for Probation and Parole (“Probation”). (A188). In that role, he supervised individuals in the community who were on probation and ensured they followed any conditions imposed upon them. (A188). Boyles was one of those individuals. (A188).

During their supervision of Boyles, Probation spoke with Boyles’ on-again, off-again girlfriend who owned the home at which he stayed. (A346; A354-56). She informed Probation that Boyles possessed the firearms she kept in her home, that she could not locate them, and that Boyles had moved them. (A346; A354-56). Boyles was a person prohibited. (A390-92; State’s Trial Exhibit 12). Probation, accordingly, sought and obtained an administrative warrant for Boyles’ residence. (A346). Probation executed that search on July 10, 2024, after Boyles appeared for a scheduled check-in with Probation. (A189; A224).

In the bedroom in which Boyles sometimes slept, Probation located a black .45 caliber handgun and magazine containing .45 caliber ammunition inside of a dresser next to the bed. (A191-93; State’s Trial Exhibit 2). In the same dresser, Shupe located male clothing that appeared to be Boyles’ size and medication packaging with Boyles’ name on it. (A194). On top of that dresser, Shupe located a charger for a GPS tracking device; Boyles was on GPS monitoring at this time. (A194). In the same bedroom, Probation also located additional ammunition in the

closet, which contained both male and female clothing. (A194; A212). And they located an AR-15 under a different dresser in the room. (A194; A210-11; State's Trial Exhibit 2). Officers located a second rifle and ammunition in a different bedroom, which had belonged to a man who had recently passed away. (A195; A212-13; State's Trial Exhibit 2).

Following the search, Probation requested Sergeant Cory Ward ("Ward") from the Delaware State Police respond to the scene. (A232-33). Probation explained to Ward where they had located each of the firearms and ammunition, and Ward collected them. (A235-36; A244). Ward recorded his walkthrough of the house and collection of evidence on his body-worn camera. (A238-39; State's Trial Exhibit 1). Boyles' girlfriend spoke to Ward and advised that Boyles mostly slept on the couch but would occasionally sleep in her bedroom, where the .45 caliber and AR-15 were found. (A324; A327). She told also explained that .45 caliber and AR-15 should have been in the closet of her bedroom. (A324).

## ARGUMENT

### I. SECTION 4321(d) ALLOWS FOR THE SEARCH OF A PROBATIONER'S HOME.

#### Question Presented

Whether the Superior Court correctly determined that Section 4321(d) allows Probation to search a probationer's home.<sup>2</sup>

#### Standard and Scope of Review

“Issues of statutory interpretation are purely legal. [This Court] therefore interpret[s] the meaning of a statute *de novo*.”<sup>3</sup>

#### Merits of Argument

The question Boyles raises to this Court is whether Section 4321(d) permits Probation to search a probationer's home.<sup>4</sup> He answers it does not.<sup>5</sup> The court below disagreed.<sup>6</sup> He now attacks that decision as being a part of “a recent salvo of Superior Court jurisprudence”<sup>7</sup> that he condemns as “a series of rushed searches for a convenient foothold reaching a varied and internally inconsistent set of

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<sup>2</sup> A10-20 (Motion to Suppress); A23-33 (State's Response in Opposition to Defendant's Motion to Suppress) and A67-71 (Defendant's Reply to State's Response in Opposition to Defendant's Motion to Suppress).

<sup>3</sup> *Wilkerson v. State*, 338 A.3d 477, 485 (Del. 2025) (internal footnote and quotations omitted).

<sup>4</sup> Opening Br. at 9.

<sup>5</sup> *Id.*

<sup>6</sup> A82-83.

<sup>7</sup> Opening Br. at 16.

endpoints.”<sup>8</sup> The “recent salvo” to which Boyles refers is a series Superior Court decisions from the past four years.<sup>9</sup> And while Boyles styles those decisions as reaching an “inconsistent set of endpoints,” they all agreed that Section 4321(d) allows Probation to search a probationer’s home.<sup>10</sup> Boyles’ argues here that each of those jurists was wrong, but his arguments are unavailing.

The arguments below hinge on the statutory text of Section 4321(d). The full text of that section follows, but the phrase essential to this dispute is that it authorizes “searches of individuals... done in accordance with Department procedures.”<sup>11</sup> That phrase is essential because the question before this Court is whether that text limits Probation to a search of probationer’s physical person or something more. Here is that full text:

Probation and parole officers shall exercise the same powers as constables under the laws of this State and may

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<sup>8</sup> Opening Br. at 12.

<sup>9</sup> *State v. McCary*, No. 2005003004 (Del. Super. Ct. Aug. 13, 2021) (Tr. of Bench Ruling at A42-A65); *State v. Mariney*, 2008012017, (Del. Super. Ct. May 18, 2022) (Tr. of Bench Ruling at B-6-33); *State v. Stovall*, No. 2204002054 (Del. Super. Ct. May 10, 2023) (Tr. of Bench Ruling at B34-50); *State v. Young*, 314 A.3d 668 (Del. Super. Ct. Jan. 31, 2024); *State v. Groce*, 2024 WL 1463417 (Del. Super. Ct. Apr. 4, 2024); *State v. Mariney*, 2023 WL 11951339 (Del. Super. Ct. Oct. 7, 2024); *State v. Crooks*, 2024 WL 5297956 (Del. Super. Ct. Dec. 31, 2024). In *Stovall*, the second earliest case identified, the Superior Court noted that this issue had been presented to “at least three other Judges in this Court in the recent past” and those had “uniformly denied” the arguments Boyles advances. B-40. The *McCary* and *Mariney* transcripts are the only identified case to pre-date *Stovall*, which means that at least one additional Superior Court decision rejected Boyles’ argument.

<sup>10</sup> Opening Br. at 12.

<sup>11</sup> 11 *Del. C.* § 4321(d).

conduct searches of individuals under probation and parole supervision in accordance with Department procedures while in the performance of the lawful duties of their employment and shall execute lawful orders, warrants and other process as directed to the officer by any court, judge or Board of Parole of this State; however, a probation and parole officer shall only have such power and duties if the officer participates in and/or meets the minimum requirements of such training and education deemed necessary by the Department and Board of Examiners.<sup>12</sup>

To answer whether that text limits Probation to a search of probationer's physical person or something more, this Court's task is statutory interpretation, which requires it adopt one of two approaches. While there are two avenues, the endpoint is the same: "giv[ing] effect to the intent of the legislature as expressed in the statute."<sup>13</sup> The first route questions whether the statute is ambiguous and asks whether it has more than one reasonable meaning.<sup>14</sup> If only one reasonable meaning exists, then that meaning controls and the analysis ends.<sup>15</sup> But if there are multiple reasonable meanings, this Court takes the alternative route of discerning legislative intent through means beyond the text.<sup>16</sup>

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<sup>12</sup> 11 *Del. C.* § 4321(d).

<sup>13</sup> *De Los Santos v. Allstate Property and Casualty Insurance Co.*, 2025 WL 2092402, at \*3 (Del. July 25, 2025) (internal quotations omitted).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* (internal quotations and citations omitted).

<sup>16</sup> *State v. Barnes*, 116 A.3d 883, 884 (Del. 2015) (citing *Council 81, American Fed'n of State, County & Municipal Employees v. State*, 293 A.2d 567, 571 (Del. 1972) and *State v. Mayor of Wilmington*, 163 A.2d 258, 264 (Del. 1960)).

Whether this Court walks the short route and determines Section 4321(d) is subject to only one reasonable interpretation or the long route of looking beyond Section 4321(d)'s text, the endpoint is the same: the legislature intended Section 4321(d) to authorize Probation to search a probationer's home. And this Court should affirm the decision below on that basis.<sup>17</sup>

**A. The Short Route: Section 4321(d) Unambiguously Allows for the Search of a Probationer's Home.**

Boyles' main argument is that Section 4321(d) is unambiguous.<sup>18</sup> He starts with the premise that "individuals" simply means the same thing as "person."<sup>19</sup> He bolsters his argument by pointing to 1 *Del. C.* § 302(15).<sup>20</sup> That section applies to Section 4321(d), defines "person," and among other things states that "person" includes "individual."<sup>21</sup> Boyles also cites to 11 *Del. C.* § 2301, which subjects "homes," among other things, to searches and reasons that when the legislature

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<sup>17</sup> Boyles contends that if the statute does not allow a search of a probationer's residence that would constitute a constitutional violation. Opening Br. at 11. The State disagrees that a constitutional violation would result but does agree that the firearms and ammunition should nonetheless be suppressed if Section 4321(d) does not allow a search of a probationer's residence. *See Walker v. State*, 205 A.3d 823, 826-27 (Del. 2019) (explaining prior precedent to hold that failure to comply with Section 4321(d) was statutory rather than constitutional violation, which served to uphold public policy of the statute).

<sup>18</sup> Opening Br. at 3.

<sup>19</sup> Opening Br. at 11-12.

<sup>20</sup> Opening Br. at 13 (citing 1 *Del. C.* § 302(15)).

<sup>21</sup> 1 *Del. C.* § 302(15) ("Person" and "whoever" respectively include corporations, companies, associations, firms, partnerships, societies and joint-stock companies, as well as individuals.")

intends “homes” to be subject to searches, it uses the specific the word “homes.”<sup>22</sup> In sum then, Boyles contends Section 4321(d) does not authorize Probation to search homes because of the colloquial equivalence between “person” and “individual,” Delaware’s statutory definition of “person” includes “individual,” and the legislature did not identify “homes” as subject to searches in Section 4321(d).

These arguments fall apart under scrutiny. Section 302’s definitions apply “unless the context requires a different meaning,”<sup>23</sup> and that context, the parties agree, is search and seizure jurisprudence.<sup>24</sup> That matters because within the context of search and seizure jurisprudence, “person” has a specific meaning: the physical body of a person. That usage appears in our foundational documents,<sup>25</sup> statutory

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<sup>22</sup> Opening Br. at 10-12 (citing 11 *Del. C.* § 2301).

<sup>23</sup> 1 *Del. C.* § 302. *See also*, 1 *Del. C.* § 301 (“The rules of construction and the definitions set forth in this chapter shall be observed in the construction of this Code and all other statutes, unless such construction would be inconsistent with the manifest intent of the General Assembly, or repugnant to the Code or to the context of the same statute.”).

<sup>24</sup> *See* Opening Br. at 12 (arguing “home” has a “unique status in search and seizure jurisprudence”).

<sup>25</sup> 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.”); Del. Const. art. I, § 6 (“The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures.”).

texts,<sup>26</sup> case law,<sup>27</sup> and dictionaries.<sup>28</sup> All of which show that when the legislature intends to limit searches and seizures to the physical body of a person it uses the word “person.” This search-and-seizure specific nomenclature also shows Boyles’ logic regarding Section 2301 conflicts with itself. Specifically, on the one hand,

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<sup>26</sup> 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.”); 11 *Del. C.* § 2302 (“A search of a person, house, building, conveyance, place or other thing may be made without a warrant if the search is made for a person hotly pursued provided the pursuer has probable cause to believe that such person has committed a felony or a misdemeanor.”); 11 *Del. C.* § 2305 (“A warrant may authorize the search of any person, house, building, conveyance, place or other things.”); 11 *Del. C.* § 2304 (“Any Judge of the Superior Court, the Court of Common Pleas, or any justice of the peace, or any magistrate authorized to issue warrants in criminal cases may, within the limits of their respective territorial jurisdictions, issue a warrant to search any person, house, building, conveyance, place or other thing.”); 11 *Del. C.* § 2303 (“A search of a person, house, building, conveyance, place or other thing may be made without a warrant if...”); and 11 *Del. C.* § 2310 (providing that a search warrant shall be sufficient if it identifies the “NAME OF PERSONS, HOUSE, PLACE OR THING TO BE SEARCHED”).

<sup>27</sup> See, e.g., *Juliano v. State*, 260 A.3d 619, 626 (Del. 2021) (“It is undisputed that Juliano was subjected to a warrantless search of her person”); *Jackson v. State*, 643 A.2d 1360, 1363 (Del. 1994) (“Before placing Jackson in a holding cell, the police, pursuant to standard procedures, removed certain articles of property and clothing from his person, including his sneakers.”); *Handy v. State*, 268 A.2d 865, 866 (Del. 1970) (“Under such circumstances, the person under arrest may be legally required to empty his pockets and surrender items on his person; and incriminating evidence discovered as a result of such search is admissible.”); *Sibbly v. State*, 102 A.2d 702, 703 (Del. 1954) (“She denied the accusation, and the officer then asked her consent to search the automobile and to search her person.”); *Reybold v. Parker*, 11 Del. 544, 551 (Del. 1883) (observing criminal proceedings had “authorized the seizure of his goods, person, and the issues of his lands...”).

<sup>28</sup> *Person*, Black’s Law Dictionary (12th ed. 2024) (“The living body of a human being, together with articles of clothing and accouterments that are carried.”).

Boyles argues the legislature uses specific language when it intends to permit the searches of “homes,” as evidenced by Section 2301, but, on the other hand, he argues its choice to use “individuals” rather than “persons” in Section 4321(d) should be ignored.

The logic of Boyles’ simplicity argument is likewise in tension with itself. That is, on the one hand, he relies on the simplicity of the idea that “individual” and “person” mean the same thing.<sup>29</sup> But, on the other hand, he also asks this Court to conclude that over the past thirty-five years, some untold number of lawyers, jurists, *pro se* defendants, legislators, legislative staff, interest groups, Probation officers, and Probation staff all looked at Section 4321(d) and overlooked that “individuals” means the same thing as “person.” The argument cannot reasonably be characterized as exceedingly simple if it was missed by an entire generation.

In any case, given that the legislature uses “person” when it speaks about the search of a person’s physical body, the term “individual” in Section 4321(d) cannot mean the physical body of a probationer. In turn then, the question becomes whether an alternative, reasonable interpretation of Section 4321(d) exists. The answer is yes: Section 4321(d) allows Probation to perform multiple types of searches of any

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<sup>29</sup> Opening Br. at 11-12 (“[T]he common analytical thread [in the Superior Court decisions] is the unreasonable belief that § 4321(d) cannot simply mean what it says.”); Opening Br. at 13 (“[F]or probation, the word ‘person’ simply refers to an ‘individual.’”).

probationer if those searches comply with regulations Probation promulgates.<sup>30</sup> This conclusion starts with the point above, that “individuals” within Section 4321(d) must mean something other than the physical person. Section 4321(d) also permits “*searches* of individuals,”<sup>31</sup> meaning more than one search of a probationer.<sup>32</sup> Section 4321(d) further authorizes searches of probationers done “in accordance with Department procedures,” which allows Probation to promulgate procedures governing searches of probationers.<sup>33</sup> The legislature also has a list of specific terms it uses when delimiting the scope of searches, which it chose not to use and which indicates it did not intend to restrict the scope of Section 4321(d) searches.<sup>34</sup> Consideration must also be given to the legislative purpose of Section 4321(d), which is to allow Probation to supervise probationers.<sup>35</sup> Limiting the language to

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<sup>30</sup> *Doroshov, Pasquale, Krawitz & Bhaya v. Nanticoke Mem'l Hosp., Inc.*, 36 A.3d 336, 342-43 (Del. 2012) (finding a statute unambiguous because it was subject to only one reasonable interpretation).

<sup>31</sup> 11 *Del. C.* § 4321(d).

<sup>32</sup> To be clear, this plurality is not a function of “individuals” being plural as it would be grammatically correct to say, “search individuals,” if only a single search were intended.

<sup>33</sup> *Id.*

<sup>34</sup> *See supra* fn. 26.

<sup>35</sup> B-4 (Probation “shall prepare an evaluation and plan of treatment aimed at the alleviation of those conditions which brought about the criminal behavior of each person in his charge, and shall attempt in each case to effect a satisfactory adjustment between the individual and his needs and the demands of society”); B-39 (“It would strain credulity to limit a probation officer’s authority to search only the person of the probationer and not his home or vehicle if the adequate suspicion is not present.”).

circumscribe Probation's ability to search individuals solely to their physical person would hamper that effort.

In summary, it can be concluded as follows: (i) "Individuals" means something different than the physical body of a probationer; (ii) Section 4321(d) authorizes Probation to perform more than one search of a probationer; (iii) the legislature authorized Probation to promulgate regulations governing such searches; (iv) the legislature did not intend to proscribe the specific areas to be searched under Section 4321(d) because it eschewed any of the terms it uses when doing so; and (v) Probation's function is to supervise probationers. Considering the foregoing, the sole reasonable interpretation of Section 4321(d) is that it authorizes Probation to search a probationer's home if that search is authorized by and complies with the regulations Probation promulgates. The Superior Court's decision should accordingly be affirmed on the grounds that Section 4321(d) unambiguously allowed for the search at issue here.

Three of the Superior Court decisions support this outcome. In *McCary*, the court explained that "Section 4321(d) permits searches of probationers' residences. Any other decision would lead to an absurd result."<sup>36</sup> In the *Mariney* transcript, the Court explained "it seems according to the defense that all authority is found in that

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<sup>36</sup> A63. The court earlier explained that a statute is unambiguous "when its words reasonably bear only one non-absurd interpretation." A61.

statute, that would preclude home visits beyond just merely knocking on a door... the Court can't believe that that would be a result that the legislature intended."<sup>37</sup> And in *Stovall*, the court explained that the "plain common sense reading of Section 4321... makes clear that individuals under probation and parole are to be searched in accordance with procedures promulgated by the [Department of Correction ("DOC")],” and that limiting Section 4321(d) to a probationer’s physical person was “an absurd reading of the statute [that] could not have been contemplated by the legislature.”<sup>38</sup>

While the Superior Court in *Young* disagreed and found Section 4321(d) ambiguous, it did so on the grounds that individuals and persons share a meaning and it would be reasonable to expect the legislature to list “homes” as subject to search if it intended that to be the case.<sup>39</sup> This reading is in tension with itself, as explained above when discussing Boyles’ arguments. It cannot reasonably be maintained that the legislature uses specific nomenclature in the search and seizure context to authorize searches of “homes,” while at the same time that its use of

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<sup>37</sup> B-32. The court went on to explain that a statute is unambiguous when it bears “only one non-absurd interpretation.” B-33.

<sup>38</sup> B-39-40. *See also Crooks*, 2024 WL 5297956, at \*4 (relying in part on *Stovall*’s holding that “a plain reading of § 4321(d)[] is clearly construed to subject individuals under probation and parole to searches, including searches of a probationer’s home, in compliance with DOC procedures”).

<sup>39</sup> *Young*, 314 A.3d at 695-96.

“individuals” rather than the search-and-seizure specific “persons” was without significance.

**B. The Long Route: Looking Beyond the Text of Section 4321(d) Shows that It Authorizes the Search of a Probationer’s Home.**

In the event that this Court finds the language of Section 4321(d) ambiguous, this Court must look beyond Section 4321(d)’s text and examine *stare decisis*, legislative history, the practices and policies in existence at the time of passage, and canons of construction. For the reasons discussed below, these interpretative tools support the conclusion that the legislature intended Section 4321(d) to permit Probation to search a probationer’s home.

**1. *Stare Decisis* and Thirty-Five Years of Precedent.**

When determining the meaning of an ambiguous statute, “[i]t is appropriate ... to begin with the ordinary dictionary definition.”<sup>40</sup> *Stare decisis* is the “doctrine of precedent, under which a court must follow earlier judicial decisions when the same points arise again in litigation.”<sup>41</sup> Within the context of statutory interpretation, this Court has explained *stare decisis* as follows:

When a statute has been applied by courts and state agencies in a consistent way for a period of years, that is strong evidence in favor of that interpretation. Under the doctrine of *stare decisis*, we must take seriously the longstanding interpretation of a statute held by our

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<sup>40</sup> *Moore v. Wilm. Housing Authority*, 619 A.2d 1166, 1174 (Del. 1993).

<sup>41</sup> *Stare Decisis*, Black’s Law Dictionary (12th ed. 2024).

Superior Court, especially when it has been relied upon by the key actors in our criminal justice system.<sup>42</sup>

This Court relies on such settled interpretations for two reasons. It “protect[s] the settled expectations of citizens because, elementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly.”<sup>43</sup> And settled interpretations evidence legislative intent because “the longtime failure of the legislature to alter a statute after it had been judicially construed is persuasive of legislative recognition that the judicial construction is the correct one.”<sup>44</sup> In sum and as this Court has more recently explained, “decades of Delaware case law” are “highly persuasive” as to what a statute means.<sup>45</sup>

Here, decades of Delaware case law establish that searches of probationer’s home pursuant to Section 4321(d) are lawful. The earliest case from this Court to squarely address the issue is *McAllister v. State*.<sup>46</sup> There, McAllister, a probationer,

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<sup>42</sup> *State v. Barnes*, 116 A.3d 8893, 890-91 (Del. 2015) (cleaned up).

<sup>43</sup> *Id.* at 91.

<sup>44</sup> *Young*, 314 A.3d at 701-02 (quoting *Barnes*, 116 A.3d at 892) (brackets and ellipses removed).

<sup>45</sup> *Blue Beach Bungalows DE, LLC v. State*, 2025 WL 3768232, at \*12 (Del. Dec. 30, 2025).

<sup>46</sup> 807 A.2d 1119 (Del. 2002). One earlier case from this Court touches on Section 4321(d) and a search of a probationer’s home but reviewed the claim for plain error. *Word v. State*, 2001 WL 762854, at \*11-12 (Del. June 19, 2001). The earliest Superior Court case to address the issue predates *McAllister* by four years. *State v. Harris*, 734 A.2d 629, 635-36 (Del. Super. Ct. 1998).

moved to suppress Probation’s search of his room conducted pursuant to Section 4321(d).<sup>47</sup> This Court found the search lawful.<sup>48</sup> It explained that Probation complied with the relevant procedures governing such searches and found that Probation’s search of McAllister’s room did not violate his constitutional rights, given the totality of the circumstances, including McAllister’s limited privacy rights as a probationer.<sup>49</sup> In the intervening twenty-four years, this Court has consistently held that searches of probationer’s homes pursuant to Section 4321(d) are lawful.<sup>50</sup>

Boyles challenges the application of *stare decisis* on three grounds. First, he argues that *stare decisis* cannot overcome the unambiguous language of Section 4321(d), but he is incorrect on Section 4321(d)’s ambiguity for the reasons explained above.<sup>51</sup> Second, he asserts that *stare decisis* “is rooted in matters of public reliance, not State intrusion,” an assertion for which he provides no supportive citation.<sup>52</sup> This assertion is wrong in any case. It suggests “State intrusion” and “public reliance” stand in contrast to one another, but they do not. Rather, they work in concert, with “public reliance” dictated by the extent of “State intrusion.” Third, Boyles argues none of the prior decisions of this Court addressed the specific argument he makes

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<sup>47</sup> *Id.* at 1122-23.

<sup>48</sup> *Id.* at 1125.

<sup>49</sup> *Id.*

<sup>50</sup> A83 n.3 (citing cases).

<sup>51</sup> Opening Br. 15-16 (“[N]or can [*stare decisis*] overcome unambiguous language.”).

<sup>52</sup> Opening Br. at 15.

here concerning the definition of “individual.”<sup>53</sup> That may be true, but the argument should be rejected because it is non-responsive to the reasons this Court uses *stare decisis* as an interpretative tool, reliability and the implication that the reading is correct due to legislative acquiescence.

Moreover, every Superior Court jurist who addressed Boyles’ argument agreed that decades of precedent about the lawfulness of searching a probationer’s home should not be so easily discarded.<sup>54</sup> While Boyles tries to cast these opinions as an array of squabbling Superior Court decisions that this Court must choose the

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<sup>53</sup> Opening Br. at 16.

<sup>54</sup> A62-63 (“[W]hile the Supreme Court has not explicitly upheld the constitutionality of searches of probationer’s residences pursuant to Section 4321, these decisions suggest that the Supreme Court has implicitly determined that Section 4321 permits searches of probationer’s residences. . . The Court therefore finds that Section 4321(d) permits searches of probationer’s residences.”); B-33 (“[O]nce again, while the [Supreme] Court didn’t explicitly rule on the constitutionality of those searches pursuant to 4321, it seems that those decisions at least implicitly compel the conclusion that the [Supreme] Court would conclude that Section 4321 permits searches of probationers’ residences.”); B-38-40 (relying on this Court’s upholding of warrantless searches of probationer’s homes pursuant to Section 4321(d) and “a plain common sense reading” to find that Section 4321(d) permits searching a probationer’s home); *Young*, 314 A.3d at 702 (“[H]ere, the Supreme Court has judicially construed Subsection 4321(d) to authorize searches of probationer’s homes.”); *Groce*, 2024 WL 1463417, at \*1 (“[F]or the same reasons given by this Court in *Young*, the Court finds that the search of Defendant’s home was authorized by 11 *Del. C.* § 4321(d).”); *Mariney*, 2023 WL 11951339, at \*5 (relying on *Young*, which it observed “follow[ed] Delaware precedent which establishes that ‘searches of individuals’ includes ‘probationer’s homes as well as their persons’”); *Crooks*, 2024 WL 5297956, at \*4 (relying on the analysis in *Stovall* and *Crooks*’ consent to search form).

winner of, that is simply not the case.<sup>55</sup> Indeed, one of the earliest cases to address the claims Boyles now advances characterized the opinions then-to-date as “uniform” and chastened the litigants there for judge-shopping with the “hop[e] that one will rule different than his or her colleagues.”<sup>56</sup> No jurist had agreed with them when that decision was issued. And nearly three years and several decisions later, that remains the case

Of those Superior Court cases, *Young* provides the most in-depth analysis on *stare decisis*. It reasoned as follows: (1) this Court has “impliedly, and consistently” interpreted Section 4321(d) to authorize such searches;<sup>57</sup> (2) this Court had done so for longer than other statutes to which this Court had applied the principle of *stare decisis*;<sup>58</sup> (3) the absence of any amendment to Section 4321(d) evidenced that interpretation was correct;<sup>59</sup> (4) the legislature had not ignored this area of law

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<sup>55</sup> Opening Br. at 12.

<sup>56</sup> B-40-41 (“[T]he Court notes that arguments virtually identical to Defendant’s have been presented to at least three other judges in this Court in the recent past. The decisions that have been rendered thus far have uniformly denied Defendant’s arguments as contrary to established principles of Delaware law. None of these have been appealed, which would have been the proper course of action for a litigant believing the Court’s ruling is legally erroneous. This stands in contrast to the so-called ‘judge shopping’ or repeatedly presenting an argument as an issue of first impression in front of a different judicial officer, hoping that one will rule differently than his or her colleagues.”).

<sup>57</sup> *Young*, 314 A.3d at 703.

<sup>58</sup> *Id.* at 702 (citing *State v. Barnes*, 116 A.3d 883, 889 (Del. 2015)).

<sup>59</sup> *Id.* at 703.

because it had modified other provisions of 11 *Del. C.* § 4321 in that time;<sup>60</sup> and (5) the DOC, an agency charged with interpreting Section 4321(d), was a “repeat player in the criminal justice system” and has interpreted Section 4321(d) to allow for the search of probationer’s homes.<sup>61</sup> *Young*’s reasoning is correct, and this Court should conclude, consistent with every Superior Court jurist who has addressed this issue, that it is settled law that Section 4321(d) authorizes searches of probationer’s homes.

## 2. Section 4321(d)’s Legislative History.

Again, *Young* provides the most in-depth analysis of Section 4321(d)’s legislative history, and it is through the lens of *Young* that Boyles addresses that interpretative tool.<sup>62</sup> To start, three pieces of legislative history have been located that relate to House Bill 524 (“HB 524”), the legislation that would become Section 4321(d), and that are relevant: (1) the March 14, 1990, minutes from the House Corrections Committee (the “Committee Minutes”);<sup>63</sup> (2) the March 14, 1990, Corrections Committee Report (the “Committee Report”);<sup>64</sup> and (3) the March 27,

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.* (citing *Chevron, U.S.A. v. Nat. Res. Def. Council, Inc.*, 467 U.S 837, 844 (1984) and *State v. Zebley v. Mayor & Council of Wilm.*, 163 A.2d 258, 264 (Del. 1960) for the proposition that courts should defer to agency interpretation of a statute that it administers).

<sup>62</sup> Opening Br. at 14-15.

<sup>63</sup> B-1-3.

<sup>64</sup> A22.

1990, audio recording of the House’s floor deliberation (the “House Deliberation Audio”).<sup>65</sup>

In *Young*, the court explained the legislative process by which a bill becomes law, which contextualizes the three pieces of legislative history.<sup>66</sup> Summarized, that process typically starts in a committee of one legislative chamber, goes next to a vote in that full chamber, proceeds to a vote in the second chamber, and ends at the Governor’s desk.<sup>67</sup> *Young* then turns to the Committee Minutes and identifies as relevant a request from Representative Davis for “an attorney’s opinion on the scope of the authority to search, making it clear that the intent is not to permit searches of their premises.”<sup>68</sup> Similarly, as to the Committee Report, *Young* identifies as relevant the statement therein that the committee “agreed that the [probation] officers should have authority to search the individual; not his or her premises” and that an attorney opinion had been obtained and it concluded HB 524 “does not grant them authority to search premises.”<sup>69</sup> Turning to the House Deliberation Audio, the court identified Representative Houghton’s explanation that HB 524 allowed probation officers to “sign their own warrant, pick the person up, search him or the

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<sup>65</sup> B-51

<sup>66</sup> *Young*, 314 A.3d at 697.

<sup>67</sup> *Id.*

<sup>68</sup> *Young*, 314 A.3d at 698 (quoting the Committee Minutes).

<sup>69</sup> *Id.* (quoting the Committee Report) (brackets in *Young*).

premises while they're there, [and] bring the person in to Court.”<sup>70</sup> *Young* concludes that this history “clarifies any ambiguity surrounding the phrase ‘searches of individuals’ and demonstrates that the General Assembly intended to authorize probation officers to conduct warrantless searches of individual probationers’ homes.”<sup>71</sup>

Boyles criticizes *Young*’s reading as “overvalu[ing]” a single use of the word “premises” in the House Deliberation Audio to override the “substantial evidence” found in the Committee Minutes and Report.<sup>72</sup> Boyle’s criticism is unavailing. *Young* never identified either the Committee Minutes or the Committee Report as presenting “substantial evidence.”<sup>73</sup> Nor did *Young* “overvalue” the “single use of the word “premises”” in the House Deliberation Audio.<sup>74</sup> Instead, the court identified it as persuasive given the context. First, it emphasized the House Deliberation Audio because it found it reflected the view of the entire chamber.<sup>75</sup> By contrast, it reasoned the Committee Report and Minutes reflected the view of only a small number of legislators.<sup>76</sup> And it explained the difference between the Committee Report and Minutes, on one hand, and the House Deliberation Audio, on

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<sup>70</sup> *Id.* at 700 (quoting the House Deliberation Audio).

<sup>71</sup> *Id.* at 700.

<sup>72</sup> Opening Br. at 15.

<sup>73</sup> *See* Opening Br. at 15.

<sup>74</sup> Opening Br. at 15.

<sup>75</sup> *Young*, 314 a.3d 699.

<sup>76</sup> *Id.*

the other, as reflective of a changed understanding of HB 524.<sup>77</sup> To this point, it found critical that Representative Houghton was both a member of the committee and the legislator in the House Deliberation Audio who referred to searches of “premises.”<sup>78</sup> Also important to the court’s conclusion was that no legislator expressed the “opinion or belief that the practice of searching probationers’ homes was unconstitutional.”<sup>79</sup>

Additional context supports the court’s conclusion in *Young*. The Committee Minutes provide that Representative Houghton “would personally investigate the scope and substance of correctional officer training to assure they are properly trained to carry out their enhanced authority.”<sup>80</sup> This statement may explain why Representative Houghton took different stances in the committee materials than in the House Deliberation Audio. Specifically, after HB 524 left committee, Representative Houghton “personally investigate[d]” Probation’s practices and learned they were searching probationer’s homes.

It likewise explains why the change in understanding between the Committee Minutes and Report, on one hand, and the House Deliberation Audio, on the other, did not require a modification of HB 524’s text. That is that HB 524 was intended

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<sup>77</sup> *Id.* at 700.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> B-3.

to codify Probation’s then-existing practices.<sup>81</sup> At the committee stage, legislators did not think that Probation’s then-existing practices included the searching of homes and did not want HB 524 read to expand Probation’s authority.<sup>82</sup> But after his investigation, Representative Houghton appears to have learned Probation’s then-existing practice was to search houses. Because the legislature intended HB 524 to codify then-existing practices, this new information concerning Probation’s practices did not require a change to the text of HB 524.

### **3. Probation’s Practices at the Time the Legislature Enacted Section 4321(d).**

An additional tool this Court uses to discern legislative intent is to look at the policies and practices in place at the time the statute’s passage.<sup>83</sup> As explained by Representative Houghton and found by the court in *Young*, the then-existing practice of Probation was to search probationer’s homes.<sup>84</sup> *Young* found this “crucial” in determining the legislative intent of Section 4321(d).<sup>85</sup> So too should this Court.

### **4. Canons of Construction.**

Boyles contends two canons of statutory construction favor him, *expressio unius est exclusio alterius* and that Section 4321(d) “must be read *in paria*

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<sup>81</sup> B-3; A22.

<sup>82</sup> B-3; A22.

<sup>83</sup> *Young*, 314 A.3d at 700 (citing *Council 81*, 293 A.2d at 571).

<sup>84</sup> B-51; *Young*, 314 A.3d at 701.

<sup>85</sup> *Young*, 314 A.3d at 701.

*materia.*”<sup>86</sup> The State agrees with his definition of the first canon as meaning “the expression of one thing indicates the exclusion of another.”<sup>87</sup> Likewise, the State agrees with Boyles that the canon of *in pari materia* requires statutes to be read within the context of other statutes to discern their meaning.<sup>88</sup> Boyles then identifies 11 *Del. C.* § 2301, 1 *Del. C.* § 302(15), and 11 *Del. C.* § 203 as statutes that inform the meaning of the word “individuals” as used in Section 4321(d) under these canons.<sup>89</sup> These canons do not aid Boyles; rather, they favor the State.

These principles do not support Boyles’ argument because the legislature has a list of terms it uses when specifying locations to be searched and the legislature chose to use none of those in Section 4321(d). That list of terms, used within the search and seizure context, are: “person, house, building, conveyance, place or other thing.”<sup>90</sup> That list evidences that when the legislature intends to specify locations to be searched, it will use those terms. The absence of those terms in Section 4321(d) thus must mean that the legislature did not intend to specify the locations Probation could search pursuant to Section 4321(d). Otherwise, it would have used the term “persons” if it intended searches to be limited to “persons,” “persons and homes” if

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<sup>86</sup> Opening Br. at 16.

<sup>87</sup> Opening Br. at 16 (citing *Brown v. State*, 36 A.3d 321, 325 (Del. 2012)).

<sup>88</sup> Opening Br. at 16 (citing *Richardson v. Bd. Of Cosmetology & Barbering of State*, 69 A.3d 353, 357 (Del. 2013)).

<sup>89</sup> Opening Br. at 16.

<sup>90</sup> *See supra* fn. 26.

it intended searches to be limited to persons and those locations, and so on. Rather than limiting Probation's search authority to specific locations, the legislature instead chose to defer to Probation to identify the locations subject to search as set forth in the procedures promulgated by Probation, which would be backstopped by the Fourth Amendment. Because the legislature has a list of terms it uses to specify locations in the search and seizure context and the legislature used none of those terms in Section 4321(d), these canons support the conclusion that the legislature intended to defer to procedures to be promulgated by Probation to govern the limits of those searches. These canons of construction thus support the State's reading and not Boyles'.

## CONCLUSION

For the foregoing reasons, the Court should affirm the judgement below.

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Dated: February 24, 2026

**IN THE SUPREME COURT OF THE STATE OF DELAWARE**

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

**CERTIFICATE OF COMPLIANCE WITH TYPEFACE  
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STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

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DATE: February 24, 2026