



IN THE SUPREME COURT OF THE STATE OF DELAWARE

ADRYAN JEAN-BAPTISTE, )  
)  
Defendant Below- )  
Appellant, )  
)  
v. )  
)  
)  
STATE OF DELAWARE, )  
)  
Plaintiff Below- )  
Appellee. )

No. 455, 2024

ON APPEAL FROM THE SUPERIOR COURT  
OF THE STATE OF DELAWARE

**STATE’S ANSWERING BRIEF**

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## **NATURE AND STAGE OF THE PROCEEDINGS**

Appellee, the State of Delaware, generally adopts the Nature and Stage of the Proceedings as contained in the January 27, 2026 Opening Brief of Adryan Jean-Baptiste.

This is the State's Answering Brief in opposition to the direct appeal of Jean-Baptiste of his Kent County Superior Court jury conviction for first degree murder and his natural life prison sentence without benefit of probation, parole or any other reduction.

## **SUMMARY OF THE ARGUMENT**

I. DENIED. At the conclusion of the State's case-in-chief (A-522-23), the trial judge properly denied the defense motion for a judgment of acquittal. (A-526-28). The Superior Court jury, acting as a rational trier of fact and viewing the evidence and all the reasonable inferences to be drawn therefrom in the light most favorable to the State as the nonmoving party, could find Adryan Jean-Baptiste guilty beyond a reasonable doubt of all the elements of first-degree intentional murder.

There was no dispute that the victim, Maricruz Sanchez, was fatally shot while driving on the afternoon of March 31, 2021. The only remaining factual issue for the jury to resolve was the identity of the occupants of the blue Nissan Rogue that was chasing Sanchez's silver Honda and from which the .45 caliber gunshots were fired at Sanchez and her car.

It was the jury's task to evaluate the credibility of the State's two witnesses, Ricky Hicks and Lorenzo Williams, who both testified at trial that while the three were all imprisoned together in 2021, Jean-Baptiste admitted driving the Nissan vehicle that chased Sanchez and from which the fatal shots were fired. The testimony of Hicks and Williams together with all the other evidence presented, if believed by the jury, was sufficient to convict Jean-Baptiste as an accomplice to James Eley, whom Jean-Baptiste identified as

the shooter, of the intentional murder of Sanchez.

II. DENIED. When the courtroom spectator issue was called to counsel's attention by the trial judge (A-373-74), defense counsel made an informed decision only to have the spectators "advised they can't wear those types of shirts during the proceeding." (A-374). The victim service personnel so advised the spectators (A-375-76), and defense counsel made no further request to *voir dire* the jury or move for a mistrial. This conduct by defense counsel constitutes a waiver of the argument now raised on appeal.

Defense counsel's action in only requesting an admonition to courtroom spectators about wearing the problematic T-shirts (A-374) was a knowing judgment call that cannot be viewed as attorney oversight. As such, no plain error review is appropriate here.

Even if the appellate contention that the jurors should have been *voir dired* or a mistrial declared *sua sponte* by the trial judge is not waived by defense counsel's trial decision (A-374), Jean-Baptiste has not carried his burden of demonstrating plain error; that is, the possibility of a different trial result. There was substantial un rebutted evidence of the defendant's guilt, so the potential harmful effect of the spectator t-shirts is only speculation.

## **STATEMENT OF FACTS**

Just after midnight on March 31, 2021, Tayone Matthews was shot through the arm at Brightway Commons, an apartment complex in Milford, Delaware. (A-404-05). The suspect in the shooting was Khalil Pitts (A-405), and Matthews told his father, Ricky Hicks (A-448), that Pitts was the person who shot him. (A-454).

Khalil Pitts was the boyfriend of 20-year-old Maricruz Sanchez, and the couple had two children together. (A-89). In the afternoon of March 31, 2021 (A-55, 64), Sanchez was driving a silver Honda (A-95), when her vehicle was chased through Milford onto Route 14, a roadway between Milford and Harrington (A-65, 338-39, 454), by a blue Nissan Rogue (A-95) driven by Adryan Jean-Baptiste. (A-455).

That same afternoon, Michael Allabrand was driving a First State Crane flatbed tractor trailer westbound toward Harrington on Delaware Route 14. (A-64-65). Around Blairs Pond Road (A-65), Allabrand's truck was passed quickly by a silver car followed by a blue SUV. (A-66). Next, Allabrand heard some loud pops and the blue vehicle sped away as the silver Honda went off the roadway into a muddy field. (A-66). Allabrand thought he had a tire blowout and stopped his truck about 400 feet before where the silver Honda went off the road. (A-67).

Approaching the Honda, Allabrand saw “bullet holes all over the place.” (A-67). In the Honda was a female driver and there was a car seat in the back, but no one else was in the vehicle. (A-68). Allabrand attempted to speak to the Honda driver, but “she was just gurgling....” (A-67). Another dark colored vehicle travelling East toward Milford (A-70) stopped and three people exited the vehicle. (A-69). A black male from the stopped vehicle shook the Honda driver and cussing told the others we got to get them. (A-73-74). The speaker dropped a lighter at the scene (A-74) which was later recovered by the Delaware State Police. (A-145, 168).

At that same time and location, James Fibelkorn was driving a white pickup truck. (A-97, 117). Fibelkorn observed a blue car very close behind him. (A-117-18). He then saw an SUV going fast in the passing lane. (A-117, 121). Referring to the SUV, Fibelkorn testified that “an arm went...out the window and shot five or six times at this lady behind me.” (A-118). Fibelkorn was looking in his rearview mirror when he saw a hand come out of the SUV passenger side and heard five or six “real fast shots.” (A-119-21). Following the shooting, the driver of the silver car fell forward in the seat and her car went into a field. (A-120, 126).

The SUV from where the shots were fired did a U-turn and drove Eastbound. (A-126-27). Fibelkorn also made a U-turn and pursued the SUV in an attempt to get its license plate number. (A-127). At the same time, Fibelkorn called 911 to report

the roadway shooting he observed. (A-127-29). The fleeing SUV turned onto Sandbox Road, and Fibelkorn was not able to observe a tag number. (A-130, 133).

Delaware State Police Corporal Jordan Smith (A-54) was dispatched at 3:13 P.M. on March 31, 2021, to investigate a possible shooting on Route 14 in southern Kent County. (A-55-56). Corporal Smith observed a vehicle on the north side of the roadway and the driver was in an ambulance. (A-56-57). Smith and Master Corporal Ray St. Clair (A-56) placed a tarp on the silver Honda because it was raining. (A-58). There were several shell casings at the scene (A-60), and inside the Honda, Smith found an ID for Maricruz Sanchez and in Sanchez's purse was a card with Khalil Pitts' name. (A-59).

At the rainy shooting scene (A-157), Delaware State Police Evidence Tech Robert Daddio collected ten spent NFCR .45 caliber auto shell casings. (A-158, 164-65). Daddio noted that the windows in the silver Honda were broken out (A-173-74), there was blood throughout the car (A-179), and the vehicle came to rest in a farm field. (A-165). At least nine bullets struck the Honda (A-180-81), with six projectiles located inside the vehicle. (A-182). A cellphone, State's Exhibit #60, was recovered from inside the Honda. (A-182). A subsequent ballistics examination revealed that all ten shell casings were .45 auto caliber, and the bullets were discharged from the same firearm. (A-217-19, 222-23).

Delaware State Police Detective Daniel Grassi, the chief investigating officer (A-87), and Officer Jason Sydnor (A-79-80) collected video footage from residences and a chicken farm near the shooting scene. (A-80-85, 91-94, 108-09). From the video footage it was determined that the shooting vehicle was a 2021 or 2022 Nissan Rogue Sport in the S trim level. (A-509-14).

On March 29, 2021, a blue Nissan Rogue Sport was rented in Dover by Anthony Simpson for his cousin Christopher Harris, who did not have a credit card. (A-256, 259, 270, 272, 288-92). Harris wanted to rent the vehicle for his daughter, Christina Harris, who did not have a driver's license (A-292), and Christina's boyfriend, Adryan Jean-Baptiste. (A-289, 296). The blue Nissan was returned April 6, 2021. (A-269).

An April 5, 2021 autopsy of Maricruz Sanchez revealed gunshot wounds to the head and left wrist. (A-389, 393). Jennifer Swartz, the Assistant Medical Examiner who performed the autopsy (A-387-89), testified that Sanchez's cause of death was gunshot wounds to the head and left wrist. (A-401). The manner of death was classified as a homicide. (A-402).

In four press releases concluding on April 5, 2021 (A-414, 418), the State Police divulged only limited information about the March 31, 2021 highway shooting. (A-409-12). The name of the shooting victim was not revealed until the

third press release (A-414), and Jean-Baptiste and James Eley were never identified as suspects. (A-409). Khalil Pitts was also never arrested for the March 31 Milford shooting of Tayone Matthews. (A-405, 425).

In March 2021, when Matthews was shot by Pitts, Matthews' father, Ricky Hicks (A-448), was incarcerated at the Sussex Correctional Institution (SCI). (A-452). Hicks was housed in the Pretrial Housing Unit 1 of SCI in September 2021, when he met Jean-Baptiste in prison. (A-449, 451-53, 474). Hicks had a discussion in prison with Jean-Baptiste about the March shooting of Sanchez. (A-452). Also present during this prison shooting discussion was inmate Lorenzo Williams. (A-336-37, 451-52, 475-76). Both Williams (A-330-68) and Hicks (A-447-83) testified at trial concerning Jean-Baptiste's incriminatory prison admission about being the driver of the blue Nissan when James Eley fatally shot Sanchez. (A-338-40, 358-59, 452-61, 474-76).

Jean-Baptiste told Hicks at SCI that he and James Eley went after Sanchez in retaliation for the earlier shooting of Tayone Matthews, Hicks' son. (A-448, 453-56). At first Jean-Baptiste thought Pitts was in the silver Honda (A-453), when he began chasing Sanchez in Milford. (A-454). Jean-Baptiste admitted to Hicks that he was the Nissan driver and that Eley was the passenger shooter. (A-455). Sanchez was on the phone when Jean-Baptiste said he ran her off the road and Eley shot

Sanchez in the head. (A-454-56). Jean-Baptiste told Hicks that he took care of the problem with Hicks' son Tayone (A-458), but Hicks responded during a prison argument that Sanchez was innocent. (A-458-59).

Twenty-nine year old Lorenzo Williams had 2 years left on his 8-year prison sentence when he testified at the 2024 trial. (A-330-31). Williams testified pursuant to a Substantial Assistance Agreement with the State, State Exhibit #79, that said if Williams provided assistance to the State, the prosecution would file a sentence reduction motion on his behalf. (A-331-33). Williams said he was testifying truthfully and his agreement with the State was "Just to tell what Mr. Jean-Baptiste told me." (A-331). Like Hicks (A-450), Williams had a substantial prior criminal record, including multiple burglary and theft convictions. (A-334-35).

In his trial testimony, Williams confirmed that he was friends with Hicks (A-363), and that although he did not previously know Jean-Baptiste (A-338), he, Hicks and Jean-Baptiste were all housed together in the Pretrial Housing Unit 1 at SCI. (A-336-37, 451-53). According to Williams, Jean-Baptiste thought Khalil Pitts was in the car (A-359), when he followed Khalil's baby momma's vehicle and shot at her car. (A-338-39). Jean-Baptiste told Williams that he was driving the pursuing vehicle while James Eley shot the victim. (A-358). Williams did not know Eley, and he thought the gun was a .45. (A-350). Williams said he spoke voluntarily with

Detective Grassi on March 9, 2022 at SCI. (A-335-36, 340). At trial, Williams' prior recorded out-of-court statement to Grassi was played for the jury. (A-340-46, 357).

Upon his release from prison on parole (A-463-64), Hicks contacted Detective Grassi (A-86-87) about Jean-Baptiste's incriminatory prison statements. (A-466). Hicks said he came forward because he did not want his son involved in the Sanchez murder (A-478-79), and he thought the girl getting shot was crazy. (A-466). Although Hicks asked Detective Grassi about a Crime Stoppers reward (A-477-78), Hicks said he did not receive any reward money. (A-475). Hicks' Level 4 parole was modified by a Superior Court Judge on March 3, 2022 to Level 3 parole. (A-464, 480-83).

After Jean-Baptiste elected not to testify (A-529-30), the defense rested without presenting any witnesses. (A-539).

## ARGUMENT

### I. THERE WAS SUFFICIENT EVIDENCE TO CONVICT JEAN-BAPTISTE OF FIRST-DEGREE MURDER

#### QUESTION PRESENTED

Whether the defense motion for a judgment of acquittal at the close of the evidence (A-525-26) was properly denied by the Superior Court trial judge. (A-526-28).

#### STANDARD AND SCOPE OF REVIEW

“We review a trial court’s decision on a motion for judgment of acquittal *de novo*, specifically deciding ‘whether any rational trier of fact, viewing the evidence and all the reasonable inferences to be drawn therefrom in the light most favorable to the State, could find the defendant guilty beyond a reasonable doubt of all the elements of the crime.’”<sup>1</sup>

#### MERITS OF THE ARGUMENT

At the conclusion of the State’s case-in-chief (A-522-23), defense counsel for Jean-Baptiste moved for a judgment of acquittal pursuant to Del. Super. Ct. Crim. R. 29(a), stating:

At this point, defense argues that there’s insufficient evidence to go to the jury. The State has presented evidence that

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<sup>1</sup> *McGuinness v. State*, 312 A.3d 1156, 1187 (Del. 2024) (quoting *Hopkins v. State*, 293 A.3d 143, 150 (Del. 2023)). See also *Winningham v. State*, 296 A.3d 354, 360 (Del. 2023); *Lum v. State*, 101 A.3d 970, 971 (Del. 2014).

a crime was committed, the issue is Mr. Jean-Baptiste's connection to that offense. The State has presented two witnesses who testified regarding out-of-court statements, it's not corroborated by any forensic evidence, physical evidence that links Mr. Jean-Baptiste to that offense. So at this point the defense is moving for the judgment of acquittal.

(A-525-26).

In response, the trial court ruled:

The defense in this case has moved for a judgment of acquittal of the charge of Murder in the First Degree as alleged by Count 1 in the indictment. Count 1 in the indictment alleges that Adryan Jean-Baptiste, on or about the 31<sup>st</sup> day of March, 2021, in the County of Kent, State of Delaware, did intentionally cause of the death of Maricruz, M-a-r-i-c-r-u-z, Sanchez.

The standard for a motion of judgment of acquittal requires the Court to determine whether any rational trier of fact, when viewing the evidence in the light most favorable to the State, could find a defendant guilty beyond a reasonable doubt of all elements of the crime.

Here, the defense does not contest that someone intentionally caused the death of Maricruz Sanchez, there's certainly a plethora of evidence to support that that would overcome any judgment of acquittal on the basis of those elements. The defense challenges, however, whether there's sufficient evidence for a reasonable jury to conclude that Mr. Jean-Baptiste caused the death of Maricruz Sanchez.

When viewing the light in the – when viewing the evidence in the light most favorable to the State, the Court finds that the statements, both in-court and out-of-court statements admitted into evidence, in fact, any combination of those that include what was an alleged admission by Mr. Jean-Baptiste that he was involved in this matter and intended to cause the death of

Maricruz Sanchez would be sufficient to survive a motion for a judgment of acquittal.

There's also other corroborating evidence, such as the vehicle rentals, and motive-related evidence, and other related evidence that corroborates that. But you're dealing with admissions by, presented by two different witnesses that specifically were Mr. Jean-Baptiste alleged admissions, the jury can certainly accept those or reject those as they see fit. But if they accept them, it passes the hurdles required for the denial of a motion for a judgment of acquittal.

So based on the totality of the evidence presented during the State's case-in-chief, the court finds that the motion should be denied. And we'll just docket that motion for a judgment of acquittal denied for the reasons stated on the record.

(A-526-28).

On direct appeal, Jean-Baptiste accepts that there was evidence that a crime was committed on March 31, 2021, but continues to argue that the trial judge should have granted the defense trial motion for a judgment of acquittal because the identity of the perpetrators was established by "...the testimony of two jailhouse informants [that] was not corroborated by any forensic or physical evidence."<sup>2</sup> Jean-Baptiste is mistaken. Viewing the totality of the evidence, including the defendant's incriminatory prison admissions to Ricky Hicks and Lorenzo Williams, in the light most favorable to the State, there was sufficient evidence for a rational trier of fact to conclude that the accused was guilty of first degree intentional murder in violation

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<sup>2</sup> Opening Brief at 10.

of *11 Del. C. § 636(a)(1)* by acting as an accomplice to James Eley who fatally shot Maricruz Sanchez in the head.

This Court’s review of the denial of a motion for judgment of acquittal is “strict.”<sup>3</sup> This deferential standard recognizes “the jury’s constitutional role as trier of fact.”<sup>4</sup> It was up to the jury to accept or reject the trial testimony of Williams and Hicks in determining the factual issue of the identity of the occupants of the blue Nissan Rogue (A-255) involved in the fatal highway shooting of Sanchez.<sup>5</sup> The jury knew that both Hicks and Williams were SCI prison inmates in 2021 (A-336, 451-53), and that each had a substantial prior criminal conviction record. (A-334-35, 450).

Further, the jury was told of Williams’ Substantial Assistance Agreement with the State to provide information in exchange for a potential reduction of his prison sentence. (A-331-33, 368). Likewise, the jury knew that Hicks was on parole when he contacted Detective Grassi after release from SCI (A-463), and that Hicks wanted to be moved down to Level 3 parole from Level 4. (A-464, 480-83). Thus, the jury

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<sup>3</sup> *Hoennicke v. State*, 13 A.3d 744, 749 (Del. 2010).

<sup>4</sup> *Wiggins v. State*, 227 A.3d 1062, 1075 (Del. 2020) (Vaughn, J., dissenting).

<sup>5</sup> See *Knight v. State*, 690 A.2d 929, 932 (Del. 1996) (trier of fact sole judge of witness credibility); *Quarles v. State*, 696 A.2d 1334, 1340 (Del. 1997); *Robertson v. State*, 630 A.2d 1084, 1095 (Del. 1993); *Pryor v. State*, 453 A.2d 98, 100 (Del. 1982).

was informed that Hicks and Williams were both convicted felons (A-334-35, 430), hoping to receive a benefit for assisting in the State's prosecution.

The jury was free to accept or reject the trial testimony of the two jailhouse witnesses implicating Jean-Baptiste as the driver of the Nissan from which the fatal shots were fired at Sanchez's silver Honda.<sup>6</sup> The fact that witness testimony may be attacked as not credible because the witness is not entirely disinterested does not make the testimony inadmissible, and it merely goes to the weight the trier of fact may accord to that evidence. Judging respective credibility of prosecution witnesses who have a motive to testify is simply part of a jury's task in a trial.

The trial judge's denial of the defense motion for a judgment of acquittal (A-526-28) was correct and not legal error.

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<sup>6</sup> See *Cruz v. State*, 12 A.3d 1132, 1136 (Del. 2011) (stating, “[u]ltimately, the trier of fact ‘is the sole judge of the credibility of the witnesses. The fact finder is free to accept or reject in whole or in part testimony offered before it, and to fix its verdict upon the testimony it accepts’”) (citations and internal quotation marks omitted).

**II. FAILURE OF THE TRIAL JUDGE TO NOT *SUA SPONTE VOIR DIRE* THE JURY OR DECLARE A MISTRIAL WHEN THERE WAS NO *VOIR DIRE* REQUEST OR A DEFENSE MISTRIAL MOTION WAS NOT PLAIN ERROR**

**QUESTION PRESENTED**

Whether the trial judge, after being informed by court staff on the morning of the third day of trial that some courtroom spectators were wearing T-shirts with the victim's picture (A-373), should have *sua sponte voir dired* the jury or declared a mistrial when there was no defense request to take either action.

**STANDARD AND SCOPE OF REVIEW**

Since there was no defense request to *voir dire* the jury or declare a mistrial on the third day of trial after some courtroom spectators were discovered wearing T-shirts with the shooting victim's picture (A-373-76), this claim is forfeited and may now only be reviewed on appeal for plain error.<sup>7</sup> Nonetheless, if this court finds that defense counsel made an informed decision not to request any jury *voir dire* or move for a mistrial on the third day of trial, then any belated appellate complaint is affirmatively waived and is not reviewable on appeal.<sup>8</sup>

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<sup>7</sup> Del. Supr. Ct. R. 8; *Gregory v. State*, 293 A.3d 994, 998 (Del. 2023); *Hastings v. State*, 289 A.3d 1264, 1267-70 (Del. 2023).

<sup>8</sup> See *Stevenson v. State*, 149 A.3d 505, 509 (Del. 2016) (citing *King v. State*, 239 A.2d 707, 708 (Del. 1968)); *Mullen v. State*, 2024 WL 3421441, at \*3 (Del. July

## MERITS OF THE ARGUMENT

On the morning of the third day of trial (July 18, 2024) during a recess (A-372), the Superior Court judge informed counsel: “As I was coming into the courtroom, court staff indicated that folks on the prosecution side, there’s a number of them wearing T-shirts with the victim’s picture on it.” (A-373). The judge continued: “So I’m asking for Counsel’s help on both sides how to handle the issue because it’s certainly touchy. But it’s something that I have to come down on and make a decision on.” (A-373).

Defense counsel responded, “I did not notice that,” and added, “...I don’t want to turn around right now and look.” (A-373). Defense counsel continued: “So I don’t know if they could turn their shirts inside out or if they have something they could put over top of them. But the Defense would request that they are advised they can’t wear those types of shirts during the proceeding.” (A-374). There was no request made by defense counsel to *voir dire* the jurors individually about whether anyone noticed the T-shirts or had any reaction. Also, there was no defense motion for a mistrial in a case that was well underway.

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16, 2024); *Wright v. State*, 980 A.2d 1020, 1023 (Del. 2009) (“The plain error standard of appellate review is predicated upon the assumption of oversight.”).

Next, the trial judge asked the prosecutor, "...if that is something through victim's service you can talk to the folks about or what's your thinking?" (A-374).

The prosecutor responded: "I did not notice it myself either." (A-374).

Thereafter, the trial judge made the following ruling:

Of course the jury has not been brought back in. Just victim's service folks. I think we are going to talk with some members of the public in the courtroom that have shirts that reference the alleged victim or the victim in the matter. And it's my decision that they're not able to wear those shirts during the proceedings going forward.

So we will make whatever accommodations we can to have that switched out as easy as possible. We will take a recess for that purpose. I certainly do not want to discourage the folks who want to watch the proceeding from being able to, but the jury is to make a decision based only on the evidence presented in the case. And the Court finds that the shirts that the individuals are wearing does lead into an outside influence that the Court is not going to permit.

(A-375-76).

Jean-Baptiste's trial continued without any further defense applications or motions. On appeal, Jean-Baptiste now argues that "...it was essential that the court conduct a mid-trial *voir dire* in order to determine exposure and impact."<sup>9</sup> It is also alternatively argued that if a remand hearing will develop a better record, then the

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<sup>9</sup> Opening Brief at 19.

July 2024 jury should be reassembled nearly two years later and questioned “whether jurors can recall the impact of the shirts on their deliberations...”<sup>10</sup>

An initial question to answer is whether defense counsel at trial affirmatively waived this issue by not requesting juror *voir dire* or moving for a mistrial (A-373-74), or if this is a case of attorney oversight where plain error review may be available. “[T]he plain error standard is intended to correct errors that are forfeited, not those that are waived...”<sup>11</sup> “Plain error assumes oversight.”<sup>12</sup> “Waiver is different from forfeiture. Whereas forfeiture is the failure to make the timely assertion of a right, waiver is the ‘intentional’ relinquishment or abandonment of a known right.”<sup>13</sup> “[O]nly forfeited errors are reviewable for plain error.”<sup>14</sup>

The only trial request by defense counsel once the spectator T-shirt issue was raised by the trial judge (A-373) was a request that the court advise the jurors that “...they can’t wear those types of shirts during the proceeding.” (A-374). There was no defense request for the trial judge to *voir dire* the jury to determine if anyone

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<sup>10</sup> Opening Brief at 22.

<sup>11</sup> *Bullock v. State*, 775 A.2d 1043, 1061 (Del. 2001) (Walsh, J., dissenting).

<sup>12</sup> *Robinson v. State*, 3 A.3d 257, 261 (Del. 2010).

<sup>13</sup> *United States v. Olano*, 507 U.S. 725, 733 (1993).

<sup>14</sup> *Warner v. State*, 2001 WL 1512985, at \*1 (Del. Dec. 12, 2001). *See also Williams v. State*, 34 A.3d 1096, 1098 (Del. 2011); *Stevens v. State*, 3 A.3d 1070, 1076-77 (Del. 2010).

even noticed the spectator T-shirts; nor was there any defense mistrial motion. (A-373-74).

It is not known from the limited trial record (A-372-76) whether defense counsel was making a strategic decision not to emphasize the issue before the jury since trial counsel and the presiding judge initially did not notice the T-shirts. (A-373-74). Nonetheless, the trial judge specifically called the matter to defense counsel's attention (A-373-74), so this is not a matter of attorney oversight regardless of defense counsel's motive in not requesting juror *voir dire* or moving for a mistrial. Thus, plain error review is not available in this waiver situation.

Defense counsel may have also been reluctant to move for a mistrial on the third day of trial if she perceived the defense case as going well or where the likely result of a mistrial application may have only been a court instruction to the jury to disregard any external influences, such as partisan spectator T-shirts, and to decide the case solely upon the basis of the admissible trial evidence.

Under these particular circumstances, this Court should find on appeal that the T-shirt contention was affirmatively waived. Defense counsel was advised of the issue and the trial court's concern (A-373-75), and chose the suggested option of the courtroom spectators being "advised they can't wear those types of shirts during the proceeding." (A-374). This action by defense counsel is not unreasonable and appears to be a valid reaction to an unanticipated trial development. The issue was

waived by defense counsel’s knowing decision, and her professional judgment is only now being called into question with the advantage of hindsight following a jury guilty verdict and a mandatory natural life sentence.

Even if defense counsel’s trial decision (A-373-74) is not viewed as a waiver of this second appellate claim, Jean-Baptiste cannot demonstrate that the T-shirt issue is plain error requiring a new trial or even a remand to *voir dire* the jury some two years after the trial. “[P]lain error is limited to material defects which are basic, serious and fundamental in their character, and which clearly deprive an accused of a substantial right, or which clearly show manifest injustice.”<sup>15</sup> To reverse for plain error, “the errors complained of must be so clearly prejudicial to substantial rights as to jeopardize the fairness and integrity of the trial process.”<sup>16</sup>

“Plain error should be, by definition, blatant, and such as to require a trial judge to intervene spontaneously even in the absence of objection.”<sup>17</sup> Here, when court staff called the T-shirt circumstance to the trial judge’s attention (A-373), the judge acted by raising the subject with counsel and asking for “help on both sides how to handle the issue because it’s certainly touchy.” (A-373). This was an

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<sup>15</sup> *Pollard v. State*, 284 A.3d 41, 44 (Del. 2022). *See also Gregory*, 293 A.3d at 998; *Hastings*, 289 A.3d at 1270.

<sup>16</sup> *Hastings*, 289 A.3d at 1270 (quoting *Lowther v. State*, 104 A.3d 840, 845 (Del. 2014)).

<sup>17</sup> *Morales v. State*, 133 A.3d 527, 533 (Del. 2016) (Strine, C.J., concurring).

appropriate action by the trial judge, and defense counsel's considered response is not inherently unreasonable. (A-373-74). The trial court's solution of having victim services personnel speak to the spectators was a wise way to handle the courtroom development. (A-375-76). Jean-Baptiste cannot establish any error, plain or otherwise, in this measured response.

To affect substantial rights, the error must have affected the outcome of the trial.<sup>18</sup> Jean-Baptiste has the burden of demonstrating that trial counsel's oversight resulted in plain error jeopardizing the fairness and integrity of the trial process.<sup>19</sup> Jean-Baptiste has not carried his plain error burden of proof and offers only speculation that jurors may have observed the T-shirts and their verdict was impermissibly affected. Such speculation on appeal is insufficient. There was no plain error here.

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<sup>18</sup> *Wainwright v. State*, 504 A.2d 1096, 1100 (Del.), *cert. denied*, 529 U.S. 869 (1986); *Williams v. Taylor*, 529 U.S. 362, 390-91 (2000) (trial result unreliable).

<sup>19</sup> *See Wright v. State*, 980 A.2d 1020, 1023 (Del. 2009) (citing *Baker v. State*, 906 A.2d 139, 150 (Del. 2006)); *Brown v. State*, 897 A.2d 748, 753 (Del. 2026).

## CONCLUSION

The judgment of the Superior Court should be affirmed.

*/s/ John Williams*

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Dated: February 25, 2026

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

**ADRYAN JEAN-BAPTISTE,** )  
 )  
Defendant Below- )  
Appellant, )  
 )  
v. ) **No. 455, 2024**  
 )  
 )  
**STATE OF DELAWARE,** )  
 )  
Plaintiff Below- )  
Appellee. )

**CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENT  
AND TYPE-VOLUME LIMITATION**

1. This answering brief complies with the typeface requirement of Rule 13(a)(i) because it has been prepared in Time New Roman 14-point typeface using Microsoft Word 2016.
2. This answering brief complies with the type-volume limitation of Rule 14(d)(i) because it contains 4,846 words, which were counted by Microsoft Word 2016.

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DATE: February 25, 2026