



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.)

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF DELAWARE

APPELLANT'S REPLY BRIEF

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DATE: March 29, 2026

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I. IT WAS JUDICIAL ERROR TO DENY DEFENSE MOTION FOR JUDGEMENT OF ACQUITTAL ON THE CHARGE OF MURDER FIRST.

In its answering brief, the State never attempts to properly respond to Appellant’s challenge in his opening brief that jailhouse informants are presumptively unreliable. Op. Br. at 12. In his opening brief, Appellant cites to a plethora of cases and scholarly legal articles which undercut the reliability of jailhouse snitch testimony, especially when this dubious evidence accounts for the crux of the State’s case. Op. Br. at 12-13.¹ That was the situation here. Moreover, the State fails to align any supportive legal authority in challenging the Appellant’s arguments. Instead, it cites the dissenting opinion in this Court’s decision in *Wiggins v. State* to posit that “review of the denial of a motion for judgment of acquittal is ‘strict’ and [t]his deferential standard recognizes ‘the jury’s constitutional role as trier of fact’” Ans. Br. at 14.² Meanwhile, the majority in *Wiggins* reversed Appellant’s conviction for Tier 3 Aggravated Possession and held that no rational

¹ See *Banks v. Dretke*, 540 U.S. 668 (2004); *Lee v. United States*, 343 U.S. 747, 757 (1952); Stephen S. Trott, *Words of Warning for Prosecutors Using Criminals as Witnesses*, 47 *Hastings L.J.* 1381 (1996); Peter A. Joy, *Brady and Jailhouse Informants: Responding to Injustice*, 57 *Case W. Res. L. Rev.* 619, *CWRLR* (2007); George C. Harris, *Testimony for Sale: The Law and Ethics of Snitches and Experts*, 28 *Pepp. L. Rev.* 1 (2000); Alexandra Natapoff, *Beyond Unreliable: How Snitches Contribute to Wrongful Convictions*, 37 *Golden Gate U. L. Rev.* 107, 107 (2006-2007).

² *Wiggins v. State*, 227 A.3d 1062, 1075 (Del. 2020)(Vaughn, J., dissenting).

jury could have found the essential element that the brown chunks were part of a mixture that met the threshold weight for aggravated possession. Thus, it was found that the trial court erred in denying Appellant's motion for judgment of acquittal.³

It is beyond dispute that due process requires the State to submit proofs that sufficiently establish each element of each offense charged in an indictment beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970). This high standard of proof works in tandem with the presumption of innocence to “protect the accused and force the State to satisfy all of the proof requirements for a conviction.” *Estelle v. Williams*, 425 U.S. 501, 503 (1976); *Coffin v. United States*, 156 U.S. 432, 459 (1895) (a defendant's “innocence is established until sufficient evidence is introduced to overcome the proof which the law has created.”).

In addition to protecting some of the most basic rights of a criminal defendant, the aforementioned also helps ensure the integrity of trial court proceedings. It embodies the notion that a trial judge's “normal judicial powers” include the “responsibility for safeguarding the integrity of the jury trial, including the right to have a case withheld from the jury when the evidence is insufficient as a matter of law to support a conviction.” Thus, a trial judge has the authority to find that “the inference of [guilt] is so weak in the factual context of the particular case that the

³*Id.* at 1074.

case should not be submitted to the jury.” *United States v. Gainey*, 380 U.S. 63, 68 (1965).

On the basis for its oral decision denying Appellant’s motion for judgment of acquittal, the Superior Court found that “[t]here’s also other corroborating evidence, such as the vehicle rentals, and motive-related evidence, and other related evidence that corroborates that.” A528. There is no support in the record to support the necessary predicate of the Court’s finding.

Here, the State's case was lacking in several important areas. First is the lack of physical or forensic evidence that links Appellant to the offense. Secondly, the lack of corroboration and the lack of motive as to Appellant. No eyewitnesses of who was in the vehicle. No testimony from Simpson, who rented the vehicle, or Christina Harris, who, per the State, is the link between Appellant and the vehicle, or Pitts, who was allegedly on the phone with Sanchez. No corroborating evidence that Christina Harris ever gave the car to anyone else, only surveillance video of Ms. Harris, Mr. Harris, and Mr. Simpson renting the car and returning the car.

The State did not present any evidence placing Appellant at the scene. For example, no cell tower records were presented for Appellant’s cell phone. The State did not present any corroborating evidence of Appellant’s involvement. No social media posts showing that Appellant even knew Christina Harris. No cell phone

records were presented to show that they discussed a plan or how the vehicle was going to get to him. No surveillance video showing any exchange of vehicle.

The State also did not present any communication between Appellant and James Eley, Semaj Eley, or Tayone Matthews. The State did not present any DOC records showing that Appellant, Williams, or Hicks were even housed together, or even what facility. There's no surveillance video from the prison showing that these individuals ever spoke to each other. No prison phone calls or visitor logs were presented to show that Appellant ever spoke or associated with any of the people involved in this trial.

Notably, the lack of corroboration extends further. Williams testified that he had known Hicks for a few years and the two were friends during his time at SCI. A363. However, Hicks testified that he and Williams were not friends and did not even meet Williams until the time Appellant allegedly confessed. A476. Moreover, three-and-a-half years after the incident and two and a half years after he gave a statement to Detective Grassi, Williams conveniently testified that Appellant told him the caliber of the firearm used. However, Hicks testified that Appellant never said what type of firearm was used.

The independent information Hicks and Williams provided authorities is belied by the fact that they had access to the news while incarcerated through radios and tablets. The statements came one year after the offense. During April of 2021,

Delaware State Police released numerous press releases that contained significant information that Detective Grassi testified regarding. A414. These press releases included the identity of Sanchez; a color photo of the suspect vehicle; location of the offense; that Sanchez was driving westbound; that a dark colored SUV crossed double yellow lines; that the suspect fired numerous times into her car; that she was shot multiple times in her upper torso, and that she was targeted in retaliation for an earlier incident which she was not involved. A416-417. Delaware State Police even released the potential motive in these press releases.

The State may be entitled to all favorable inferences that may be drawn from the evidence it presents to the jury but, at the same time, the trial court has its own independent obligation to protect the integrity of the trial process. If nothing else, this obligation must include refusing to allow the State to base its case on evidence that is faulty in every conceivable respect. Experience teaches that absolutely flawless evidence rarely is available for either side in any case. In the matter at bar, the State's evidence against Appellant was so imperfect that the motion for a judgment of acquittal should have been granted, and the trial court's failure to do so was reversible error. Accordingly, Appellant's convictions must now be vacated.

II. THE TRIAL JUDGE FAILED TO ENSURE DEFENDANT'S RIGHTS TO A FAIR AND IMPARTIAL JURY, DUE PROCESS AND CONFRONTATION, WHEN THEY FAILED TO VOIR DIRE THE JURORS OR DECLARE A MISTRIAL AFTER SPECTATORS SUPPORTING THE PROSECUTION WORE SHIRTS TO COURT DISPLAYING A PHOTOGRAPH OF THE DECEDENT.

In its answering brief, the State contends that “[d]efense counsel was advised of the issue and the trial court’s concern and chose the *suggested option* of the courtroom spectators being ‘advised they can’t wear those types of shirts during the proceeding.’” Ans. Br. at 20. The State appears to misconstrue the record. When the trial judge was made aware that there were “a number” of spectators on the prosecution side wearing T-shirts with the victim’s picture on it, they, along with trial counsel, were immediately caught off guard. The court requested assistance from both sides on how to handle what it described as a “touchy” issue. A373. Defense counsel did not want to turn around in the moment and observe the attire and immediately requested that the spectators be advised not to “wear those types of shirts during the proceeding.” A374. To be clear, this was not an ameliorative effort suggested by the court but rather by defense counsel.

Contrary to the State’s interpretation of the record, the court did not provide “options” for counsel to choose from. In fact, despite finding “that the shirts that the individuals are wearing does lead into an outside influence that the

Court is not going to permit”, the court did not suggest any corrective measure on its own. A376. Although defense counsel did not request to *voir dire* the jurors individually or ask for a mistrial, the court should have realized the magnitude of this “unanticipated trial development” and stepped in *sua sponte* without counsel’s suggestions or assistance to assess the potential exposure and likely prejudice.

A trial judge has a duty to preside over and control judicial proceedings consistent with the demands of decorum and due process. *People v. Pennisi*, 563 N.Y.S.2d 612-614 (Sup. Ct. 1990). When judges become aware that spectators are displaying victim memorials - regardless of whether defense counsel has moved to prohibit such conduct - they should immediately determine, out of the presence of the jury, who, if anyone, is displaying victim memorials, and what message, if any, that the displays convey. *State v. Iromuanya*, 806 N.W.2d 404, 429 (Neb. 2012). If the court concludes that jurors would have been exposed to the displays, it should *voir dire* them to determine whether the displays would affect their ability to be impartial and admonish them to disregard the displays. *Id.* at 433. Where the court concludes there is a realistic possibility that information with the capacity to prejudice defendant's right to a fair trial may have reached members of the

jury, it should conduct a *voir dire* to determine whether any exposure has occurred. *State v. Scherzer*, 301 N.J. Super. 363, 487 (App. Div. 1997).

The accused's right to be tried by a jury of his or her peers is fundamental to the criminal justice system. It makes little sense to permit trial spectators to wear shirts designed to undermine the factfinding process, taint the jury with irrelevant and prejudicial information, and erode the presumption of innocence. Therefore, the necessity of a *voir dire* where jurors have been exposed to external influences that could undermine their impartiality, as was the case here, is critical.

Spectator displays can undermine the presumption of innocence, which is integral to the right to a fair trial, and also deprives a defendant of his or her rights of confrontation and cross-examination. *See Norris v. Risley*, 918 F.2d 828 (9th Cir. 1990). In *Norris*, members of a Rape Task Force and the National Organization for Women attended the defendant's trial on kidnaping and rape charges, wearing buttons that read "Women Against Rape." *Id.* at 829-31. The Ninth Circuit found that the button wearing eroded the presumption of innocence. The buttons were a constant reminder that various spectators believed the defendant to be guilty before it was proven. *Id.* at 831. The Ninth Circuit reversed, finding that spectators intended to convey an implied message encouraging jurors to convict. *Id.* at 832. The

Norris Court further explained that the presence of spectators wearing buttons constituted a statement, not subject to cross-examination, that in the opinion of members of the Rape Task Force the complaining witness had been raped by the defendant. *Id.* at 833. The Court found that the button's message was dangerous precisely because it was not a formal accusation. The button's accusation was not susceptible to traditional methods of refutation. Instead, it stood unchallenged, lending credibility and weight to the state's case without having to endure cross-examination to which such evidence is ordinarily subjected. *Id.*

Finally, Appellant has established plain error because the error complained of here was “blatant, and such as to require a trial judge to intervene spontaneously even in the absence of objection.” Ans. Br. at 21 (citing *Morales v. State*, 133 A.3d 527, 533 (Del. 2016)). On this record, Appellant’s substantial rights were affected and the error complained of also affected the outcome of his trial. The State’s case against Appellant was exceedingly weak and had many problems. There was no weapon, no motive, no eyewitness identification, and no physical or forensic evidence that linked Appellant to this offense. Instead, all the incriminating testimony came from two jail house informants who received very favorable outcomes to their own legal problems from pointing the finger at appellant. Accordingly, because the trial court failed in its duty to act swiftly and vigorously

to protect Appellant's fair-trial rights by failing to conduct a probing *voir dire*, this court should reverse his convictions.

CONCLUSION

For the reasons and upon the authorities cited herein, the undersigned counsel respectfully submits that Adryan Jean-Baptiste's convictions and sentences must be reversed.

Respectfully submitted,

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