



IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANGELO RODRIGUEZ,)	
)	
Defendant Below-)	
Appellant,)	No. 27, 2026
)	
)	ON APPEAL FROM
v.)	THE SUPERIOR COURT OF THE
)	STATE OF DELAWARE
STATE OF DELAWARE,)	ID No. 2407012691
)	
Plaintiff Below-)	
Appellee.)	

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF
DELAWARE IN AND FOR SUSSEX COUNTY

APPELLANT’S OPENING BRIEF

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NATURE OF THE PROCEEDINGS

Introduction

Angelo Rodriguez, a 14-year-old boy, found himself facing first-degree murder charges after a tragic incident that occurred in Ellendale on June 9, 2024. Angelo was hanging out in Ellendale that day with a group of eight boys who he did not know well. They did not know him either; most referred to him as “the light-skinned boy” or something similar.

As the group walked around town, they approached another large group having a picnic at an outdoor recreation center. A fight broke out. While running away, Angelo fired randomly back towards the group, killing an innocent victim, 17-year-old Ahniya Coverdale. Another person was struck in the foot.

The Superior Court erred in denying Angelo’s motion to transfer his case to Family Court. The Court ignored or minimized Angelo’s mental health issues and overemphasized his prior criminal conduct. Most importantly, the Court did not consider that a child this young had *over four years* remaining as a juvenile for rehabilitation under Family Court jurisdiction. Moreover, due to Angelo’s youth, *all* charges were eligible to be transferred to Family Court, including the firearm during commission of a felony charge.

Angelo pled guilty to Murder Second Degree and was sentenced to 15 years in prison. Angelo seeks review of the Superior Court’s denial of his motion to

transfer under the recently-enacted 10 *Del. C.* § 1011(e). Angelo’s case proceeded as follows.

Indictment and pretrial matters

On July 22, 2024, a Sussex County grand jury approved an indictment charging Angelo with:

1. Murder First Degree (intentionally as to Ahniya Coverdale)
2. Possession of a Firearm During Commission of a Felony (PFDCF)
3. Assault First Degree (as to Keith Owens – shot in foot)
4. PFDCF
5. Reckless Endangering First Degree (as to Tavon Crooks)
6. Reckless Endangering First Degree (as to Tayshawn Waples)
7. Reckless Endangering First Degree (as to Tymere Waples)
8. Reckless Endangering First Degree (as to Natasha Crooks)
9. Reckless Endangering First Degree (as to Darnell Waples)
10. Reckless Endangering First Degree (as to Da’Zhira Frazier)
11. Reckless Endangering First Degree (as to Dazhon Frazier)
12. Reckless Endangering First Degree (as to Aniyah White)
13. PFDCF (as to Counts 5-13)
14. Possession of a Firearm by a Person Prohibited (PFBPP)
15. Possession of Ammunition by a Person Prohibited (PABPP)
16. Theft of a Firearm (May 18, 2024).¹

The President Judge assigned the case to the Honorable Craig A. Karsnitz.²

On August 22, 2024, the Court held an arraignment, and the undersigned attorney entered his appearance.³ After the arraignment, the judge established a trial date in January 2025.⁴

¹ A10-14.

² A15.

³ A18.

⁴ A21.

Reverse amenability proceedings

Defense counsel filed a timely Motion to Transfer Charges to Family Court on September 4, 2024.⁵ Counsel realized, however, that this motion included reference to a proof positive inquiry into whether Angelo displayed or discharged a firearm pursuant to 11 *Del. C.* § 1447A(f). This provision is inapplicable to 14-year-olds. As such, counsel filed an amended motion on December 4, 2024 without reference to that subsection.⁶

The reverse amenability hearing took place on December 9, 2024 before the Honorable Mark H. Conner.⁷ Seven police officers testified about Angelo's current and past criminal cases. Jessica Bryant from DSCYF testified. Dr. Benjamin Lungen, a psychologist from DSCYF testified. Rebecca Hagan, the assistant principal at Millsboro Middle School testified. Willie Evans, the correctional treatment administrator at Sussex Correctional Institution, testified. Finally, Dr. Laura Cooney-Koss, a psychologist called by the defense, testified.

By agreement of counsel, the attorneys submitted simultaneous post-hearing memoranda on January 3, 2025.⁸

⁵ A3; D.I. 20.

⁶ A25-30.

⁷ A31-351.

⁸ A454-464; A465-477.

On February 11, 2025, Judge Conner issued a Memorandum Opinion denying the Amended Motion to Transfer.⁹

Angelo enters into a plea agreement after new legislation passes.

On June 4, 2025, defense counsel wrote to the Court to request a Zoom conference to discuss rescheduling the trial.¹⁰ Counsel presented two reasons. The first was workload related. The second was the pendency of legislation that would directly affect Angelo's case. H.B. 129, introduced on May 1, 2025, would provide a juvenile whose motion to transfer was denied the right appeal that decision to this Court after a plea.¹¹ At the office conference, the Court agreed to move the trial to December 2025.¹²

The governor signed H.B. 129 into law on August 20, 2025.¹³

On October 23, 2025, defense counsel advised the Court that the parties had worked out a plea agreement.¹⁴ The Court convened an office conference on October 27, 2025 to discuss and schedule the plea hearing.¹⁵ At the meeting, defense counsel requested immediate sentencing; having held a reverse

⁹ *State v. Rodriguez*, 2025 WL 466631 (Del. Super. Feb. 11, 2025); Exhibit B; A478-486.

¹⁰ A487-488.

¹¹ A487.

¹² A493.

¹³ H.B. 129, 153rd General Assembly (2025).

<https://legis.delaware.gov/BillDetail/142161>

¹⁴ A499.

¹⁵ A500-509.

amenability hearing, the Court had significant information about Angelo and the case.¹⁶ Moreover, any further time passing was time that could be used for Angelo's rehabilitation should this Court reverse.¹⁷

The Court convened a plea hearing on November 19, 2025.¹⁸ Angelo waived his trial and appeal rights except the carveout created by 10 *Del. C.* § 1011(e) for appeal of the denial of the motion to transfer.¹⁹ He pled guilty to Murder Second Degree.²⁰

The Court expressed reluctance to approve the parties' joint request for immediate sentencing.²¹ Defense counsel argued that "the clock continues to tick on any hope of rehabilitation should the Delaware Supreme Court be so inclined to reverse Judge Conner's decision."²² The Court nevertheless ordered a presentence investigation.²³

¹⁶ A504.

¹⁷ A505.

¹⁸ A510-525.

¹⁹ A519.

²⁰ A526-527.

²¹ A520.

²² A521.

²³ A522.

Sentencing

On December 30, 2025, the Superior Court sentenced Mr. Rodriguez to 15 years of unsuspended prison time.²⁴ He is far too young for adult prison, so he is currently at the Ferris School.

Appeal

Through the undersigned counsel, Angelo filed a timely notice of appeal. This is his opening brief.

²⁴ A528-558.

SUMMARY OF ARGUMENT

I. THE SUPERIOR COURT ERRED BY DENYING FOURTEEN-YEAR-OLD ANGELO RODRIGUEZ'S MOTION TO TRANSFER HIS CHARGES TO FAMILY COURT.

On June 9, 2024, 14-year-old Angelo Rodriguez was walking around Ellendale with a group of eight boys he did not know. Meanwhile, another group of people were at a cookout at the New Hope Recreation Center in Ellendale. A fight ensued. One of the boys from the first group had a beef with one of the boys from the second group.

Eventually, Angelo's group fled from the melee. Angelo took a gun from his pocket – a gun he had stolen from his brother's house – and fired randomly backwards towards the crowd. Tragically, one of the bullets struck and killed Ahniya Coverdale.

Angelo pled guilty to Murder Second Degree; the Superior Court sentenced him to 15 years in prison. Recently enacted legislation permitted Angelo to plead guilty while retaining his appeal right as to the Superior Court's denial of his motion to transfer the charges to Family Court.

Even affording the Superior Court the deference due under the abuse of discretion standard, this Court should reverse that decision. The Superior Court misapplied the law by applying a rebuttable presumption standard found nowhere in the relevant statutory scheme. Perhaps for that reason, the Court's factual

findings skew heavily towards only those facts supporting adult prosecution while minimizing or eliding those tending to establish that Family Court jurisdiction would be in Angelo's and society's best interests.

Angelo was 14 when he committed this senseless, impulsive act. He had no role model in his life. He got in trouble at school the time because his ADHD was left untreated. His mother refused to permit medication. Angelo had a brief but frequent arrest record over the span of two months in 2023. But all those arrests occurred before he had any contact with Youth Rehabilitative Services. The Superior Court was overly swayed by Angelo's criminal conduct, all of which occurred before any rehabilitative efforts could occur.

Perhaps most importantly, the Superior Court took the position that a 14-year-old does not have enough time in the Family Court system to achieve meaningful rehabilitation. As a very young offender, Angelo has great promise of rehabilitation in the Family Court system. He can be incarcerated there until age 19 then supervised in the community until age 21.

This Court should reverse the Superior Court's decision. Reversal will have the effect of transferring jurisdiction from Superior Court to Family Court for resentencing.

STATEMENT OF FACTS

Angelo's early life and move to Delaware

Angelo was born and raised in Reading, Pennsylvania. His father has been incarcerated since Angelo was two years old. Angelo was raised by his mother and had a close relationship with his grandparents.²⁵ His mother had a paramour, who Angelo called "dad."²⁶ Although his family life was fairly stable, they did not live in a safe area. Angelo stated that shootings were commonplace in his neighborhood.²⁷

Angelo's mother moved the family to Millsboro in 2022 so she could care for her father, who had cancer. Her paramour did not accompany them. That same year, Angelo's grandfather from Reading passed away.²⁸ Without supervision or role models in his life, Angelo "got caught up and doing stuff" with groups from Georgetown and Seaford, leading to his early arrests.²⁹

In 2023, Angelo witnessed his friend get shot and killed, which caused him much distress. He tried marijuana to cope with difficulty sleeping and nightmares, but it was not helpful.³⁰ Later that year, Angelo was grazed by a ricochet bullet in

²⁵ A420.

²⁶ A398.

²⁷ A421.

²⁸ A422.

²⁹ A400.

³⁰ A421.

another incident. He did not tell his mother, but she did notice that he was limping and there was a tear in his jeans.³¹

When interviewed by Dr. Laura Cooney-Koss as part of a psychological evaluation, Angelo and his mother tended to minimize Angelo's emotional struggles.³² But his older sister Racquel told the psychologist that she observed the difficulties Angelo faced by not having a father figure and losing his peer group when the family moved from Reading.³³

Angelo's behavioral problems in school

At Beacon Middle School, Angelo was placed on an IEP for an emotional disability. This IEP carried over to Millsboro Middle School. Angelo had difficulty regulating his emotions and attending to tasks.³⁴ He was a significant behavior problem. Angelo's sixth grade teacher, Rebecca Hagan, called DFS in 2022 to report that Angelo told her that when he grew up, he wanted to become a drug dealer.³⁵ The full statement reported to DFS was that Angelo wanted to become a drug dealer "because of his brother and father."³⁶ According to the same DFS report, Angelo's mother was not showing up to mandatory IEP meeting or

³¹ A423.

³² A268.

³³ A268.

³⁴ A211.

³⁵ A212.

³⁶ A390.

returning calls to the school. Ms. Rodriguez believed the school administration was lying about Angelo's behavioral problems.³⁷

Angelo's behavioral problems ran the gamut from "low level" offenses like insubordination and disruption of class³⁸ to more concerning offenses. For example, Angelo and another student were in possession of another student's credit card.³⁹ But Angelo's behavior issues preceded his move to Delaware. When he was nine years old, he received a three-day suspension for bringing a bullet to school.⁴⁰ The report does not state how a 9-year-old would have come into possession of a bullet.

Ms. Hagan, by then assistant principal, tried to help Angelo with his behavioral improvement plan.⁴¹ Despite his behavioral issues, Angelo was "excellent" in Ms. Hagan's classroom.⁴² In fact, three other teachers marked on his report card, "I enjoy having you in class."⁴³ Right alongside those comments, however, were comments such as, "needs to follow classroom rules and procedures."⁴⁴

³⁷ *Id.*

³⁸ A221.

³⁹ A219

⁴⁰ A377.

⁴¹ A224.

⁴² A212.

⁴³ A226.

⁴⁴ *Id.*

For the 2024 school year, the Millsboro Middle School staff drafted an updated IEP for Angelo.⁴⁵ But his mother, Amy Rodriguez, pulled him out of school to be homeschooled.⁴⁶ Millsboro Middle School suggested he go to High Roads, an alternative school, but Ms. Rodriguez disagreed.⁴⁷ When his juvenile probation officer arrived at Millsboro Middle School for a visit, she learned that Ms. Rodriguez had enrolled him in online home schooling.⁴⁸ But he did not have a working computer at home.⁴⁹

Angelo’s mother will not allow ADHD medication

In 2019, Angelo’s full-scale IQ was about average compared to his peers.⁵⁰ However, by 2022, his IQ had dropped by 20 points to 77.⁵¹ The school psychologist conducted extensive clinical testing. The results demonstrated that Angelo had significant deficits in executive functioning.⁵² His hyperactivity, impulsivity, and inattention to tasks were “strikingly high.”⁵³

⁴⁵ A224.

⁴⁶ A225.

⁴⁷ A201.

⁴⁸ A202.

⁴⁹ A203.

⁵⁰ A261.

⁵¹ A262.

⁵² A262.

⁵³ *Id.*

By the time of Dr. Cooney-Koss's evaluation in 2024, Angelo's FSIQ had dropped even further, down to the lowest 10 percentile.⁵⁴ Dr. Cooney-Koss attributed this drop to Angelo's untreated ADHD. His performance on the test was a blend of inability to pay attention and giving rash, impulsive answers.⁵⁵

Amy Rodriguez would not permit Angelo to take ADHD medication. She told Dr. Cooney-Koss that it would make her son behave like a zombie. Ms. Rodriguez also does not permit vaccinations or other medications for Angelo because "she is someone who wants her child's body to remain pure."⁵⁶

Angelo's mental health diagnoses

Dr. Cooney-Koss opined that Angelo's ADHD affects all domains of his life, particularly in his decision making in the community and his behavior in school.⁵⁷

Dr. Cooney-Koss also diagnosed Angelo with post-traumatic stress disorder due to his adverse childhood experiences such as seeing his friend get killed and being shot at himself.⁵⁸ The PTSD manifested itself in nightmares, flashbacks, and insomnia.⁵⁹

⁵⁴ A275.

⁵⁵ A277-278.

⁵⁶ A260.

⁵⁷ A288.

⁵⁸ A286.

⁵⁹ *Id.*

While not a mental health diagnosis *per se*, Dr. Cooney-Koss opined that Angelo will develop neurologically over time.⁶⁰ As Dr. Cooney-Koss reported, “a young adult does not reach full neurological brain development until their mid-twenties. Until that point, their behavior will tend to be immature, reckless, and impulsive.”⁶¹

Angelo’s brief but robust criminal history

Angelo began committing street crimes at the end of July 2023 and committed several before going into detention on September 26, 2023. A series of police officers testified about these offenses at the reverse amenability hearing.

On July 31, 2023, Corporal Michael Short was dispatched to the Whispering Pines Mobile Home Park based on a report of a stolen Kia Soul.⁶² He found it, but it was empty. He then saw a large, heavy-set male who began to run away.⁶³ While searching for the suspect, another officer found Angelo hiding in a shed. He was wearing a ski mask and gloves. He had a THC vape pen in his pocket.⁶⁴ For this incident, police arrested Angelo for receiving stolen property, wearing a disguise, possession of marijuana, and resisting arrest.⁶⁵

⁶⁰ A298.

⁶¹ A345.

⁶² A86-87.

⁶³ A89.

⁶⁴ A90.

⁶⁵ A91.

Angelo was 13 years old at the time of this first arrest. The heavy-set person who ran from police was 15.⁶⁶ When the police interviewed Angelo, he denied stealing the Kia Soul and said that his friend was driving it.⁶⁷

Angelo resolved this case with a plea to Resisting Arrest as part of a global plea deal on December 6, 2023.⁶⁸

On September 6, 2023, an apartment tenant in Lewes was walking her dog when she found a white bookbag containing what she thought were paintball guns. They were not.⁶⁹ She turned the guns in to the State Police.⁷⁰ Using receipts found in the bag, the police tracked the bag's ownership to a Zachary Brooks. Zachary's father explained that the bag had recently gone missing.⁷¹ Police dusted the rear window of Zachary's bedroom for fingerprints. The results came back positive for Angelo Rodriguez.⁷² Zachary Brooks' father explained that Angelo used to hang out with Zachary but was no longer welcome there.⁷³ Police also reviewed Angelo's Instagram account. One of his posts was a photo of Angelo holding a gun that looked like one of the guns from the bookbag.⁷⁴

⁶⁶ A93.

⁶⁷ A102.

⁶⁸ ID No. 2308000014.

⁶⁹ A105-106.

⁷⁰ A107.

⁷¹ A108-109.

⁷² A109-110.

⁷³ A110.

⁷⁴ A111.

For this incident, the police charged Angelo with two counts of being a juvenile in possession of a firearm, burglary and theft.⁷⁵ The State entered a *nolle prosequi* on this case as part of a global plea deal.⁷⁶

On September 24, 2023, Detective Heidi Lingo from Troop 4 was called out to a robbery in Lewes.⁷⁷ Andrew Zamora reported that a boy he knew who went by G-low called and asked him for a ride.⁷⁸ Zamora agreed and went to the pickup location with his girlfriend.⁷⁹ G-low, later identified as Angelo, arrived with a Black male and got in the car.⁸⁰ Then they both pulled out knives in an attempt to carjack the car.⁸¹ They demanded Zamora's keys and money. They threatened to kill Zamora and his girlfriend if they did not comply.⁸²

According to Zamora, Angelo then exited the car and punched him in the face. Then the Black male pulled Zamora out of the car and began punching him.⁸³

The next day, Zamora identified Angelo from a photo array as one of the assailants and the person who had messaged him asking for a ride.⁸⁴

⁷⁵ *Id.*

⁷⁶ ID No. 2309012696.

⁷⁷ A115.

⁷⁸ A115-116.

⁷⁹ A117.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² A118.

⁸³ *Id.*

⁸⁴ A120.

Detective Lingo confirmed that Angelo was 13 at the time of this incident, while the Black male, Lewis Cameron, was an adult.⁸⁵ According to Zamora’s girlfriend, Chloe Park, she told the assailants she was pregnant. Cameron stated, “then you and your f-ing baby will die if you don’t get out.” According to Park, Angelo said, “Bro, chill.”⁸⁶

In connection with this incident, Angelo was charged with Robbery First Degree, Aggravated Menacing, Terroristic Threatening, and weapons charges. He resolved this case by pleading guilty to Robbery Second Degree as part of a global guilty plea on December 6, 2023.⁸⁷

Angelo’s first contact with DSCYF and first adjudication

The early September arrests led to Angelo’s first contact with DSCYF. He was held at Stevenson House pending adjudication for these offenses beginning September 26, 2023. He could not make bail.⁸⁸

Angelo pled guilty to Robbery Second Degree and Resisting Arrest on December 6, 2023. The Family Court deferred sentencing until a youth assessment screening and psychological assessment could be completed. Meanwhile, the Court

⁸⁵ A122.

⁸⁶ A123.

⁸⁷ ID No. 2309012539.

⁸⁸ A413.

released Angelo on GPS monitoring.⁸⁹ On February 26, 2024, the judge sentenced Angelo to community supervision with GPS monitoring at YRS discretion.⁹⁰

Angelo is suspected of stealing a handgun from his brother's house.

Trooper Michael Rummel was on duty at Troop 7 on May 19, 2024 when Nichole Oliveras and Ray Rodriguez came to the troop.⁹¹ Oliveras reported that a handgun was missing from their home. They also noticed that the sliding glass door to their house had been left partially open.⁹² Ray Rodriguez also mentioned that six rounds of ammunition were missing.⁹³

Ray told the police that his younger brother Angelo had been at the house earlier in the day; Angelo knew where he kept the pistol.⁹⁴ Ray further explained that he had been trying to spend more time with Angelo because Angelo had been hanging out with friends and getting in trouble recently.⁹⁵

The police did some fingerprint processing at the Rodriguez/Oliveras home. The report stated that the case was “pending active” awaiting results.⁹⁶ But police arrested Angelo before the results came back.⁹⁷ This was because the police

⁸⁹ A414.

⁹⁰ *Id.*

⁹¹ A126-127.

⁹² A127-128.

⁹³ A129.

⁹⁴ A130.

⁹⁵ A131.

⁹⁶ A133.

⁹⁷ *Id.*

arrested him on June 10, 2024 – the day after the Ellendale homicide – so they had a reason to keep him in custody.⁹⁸ This case eventually became Count 14 in the indictment for Angelo’s murder case.⁹⁹ Upon his arrest, he was again detained at Stevenson House, although YRS eventually moved him to the New Castle County Detention Center.¹⁰⁰

Homicide in Ellendale on June 9, 2024

On the afternoon of June 9, 2024, 17 year-old Ahniya Coverdale was killed by gunfire at an outing at the New Hope Recreation Center in Ellendale.¹⁰¹ The shooting resulted from a confrontation between two groups.¹⁰² Detective Mark Csapo reviewed video footage from the Southern Grille, which showed a group of about eight boys walking around town. In the distance at the rec center, the video showed the other group at a picnic.¹⁰³ Csapo learned that one boy from each group had an ongoing feud over a girl, leading to the fracas.¹⁰⁴

Almost all the boys from the first group fled after the shooting and congregated at 307 Willow Street. This was the home of Ebony Smack, the mother

⁹⁸ See, ID No. 2406004603; A57.

⁹⁹ A14.

¹⁰⁰ A415.

¹⁰¹ A41.

¹⁰² A43.

¹⁰³ A43-44.

¹⁰⁴ A43.

of one of the boys: Reggie McGlotten.¹⁰⁵ Smack reported that upon learning of the shooting, she confronted all the boys in Reggie's bedroom asking who had a gun.¹⁰⁶ One of the boys, Davon Dallas, pointed at Angelo. Smack found the gun under the mattress.¹⁰⁷ Then Smack physically assaulted Angelo and kicked him out of the house.¹⁰⁸ Darnell Parker, Sr., the father of one of the other boys involved (and the one in the feud with the boy from the other group) removed Angelo from the house and put him in his car until police arrived.¹⁰⁹

Detective Csapo contacted Angelo's mother, Amy Rodriguez, to advise that he had her son in custody regarding the incident. Ms. Rodriguez told Csapo that Angelo's brother's pistol had recently been stolen.¹¹⁰ The pistol found under the mattress was the same gun that was stolen from Ray Rodriguez.¹¹¹

Using the Southern Grille footage, Csapo interviewed most of the eight boys who were walking around before the fight.¹¹² By gathering descriptions of the boys by articles of clothing, Csapo was able to identify everyone who was walking around.¹¹³ Most of the boys did not know Angelo and called him "the white kid" or

¹⁰⁵ A45-47.

¹⁰⁶ A49.

¹⁰⁷ A50.

¹⁰⁸ A65.

¹⁰⁹ A48.

¹¹⁰ A52.

¹¹¹ *Id.*

¹¹² A54.

¹¹³ A56.

“the kid with fluffy hair.”¹¹⁴ Reggie McGlotten told Csapo that he picked up Angelo off the side of the road and gave him a ride to Ellendale in exchange for gas money earlier that day.¹¹⁵ Csapo was able to identify Angelo as the shooter.¹¹⁶ The video depicts the shooter fleeing and firing indiscriminately backwards towards the rec center.¹¹⁷

Csapo interviewed another of the boys, AJ Mosley, who said that Angelo “dabbed him up” after the shooting when they were in Reggie’s bedroom and said, “I did that.”¹¹⁸

After the reverse amenability hearing, the police conducted gunshot residue testing on Angelo’s clothing. Some of the swabs came back positive for GSR.

Angelo spends a brief time with Youth Rehabilitative Services; YRS recommends Superior Court for Angelo due to the nature of the charges.

Angelo was first assigned a probation officer on March 1, 2024. His supervision ended on June 10, 2024 when he was arrested.¹¹⁹ In the meantime, he was compliant with weekly probation checks. In May 2024, YRS referred Angelo to VisionQuest for Sanctuary. This program helps youths “recover from the effects

¹¹⁴ A60.

¹¹⁵ A61.

¹¹⁶ A56.

¹¹⁷ A547; A533.

¹¹⁸ A56. AJ Mosely is now deceased himself, having been shot and killed last year.

¹¹⁹ A414.

of trauma and chronic stress.”¹²⁰ Probation officer Jessica Bryant thought Sanctuary was appropriate “because of his extensive history.”¹²¹

When at Stevenson House initially in 2023, Angelo got in a couple altercations, particularly with a counselor with whom he was not comfortable.¹²² But generally, he was compliant with rules and regulations at Stevenson.¹²³ He progressed through the behavioral phases of improvement.¹²⁴ At NCCDC, he attained the highest level of good behavior, which is designated by a gold shirt.¹²⁵ While detained, Angelo was doing well in school, according to Ms. Bryant.¹²⁶

During his brief time being supervised in the community, Angelo was generally compliant. Ms. Bryant elected to remove Angelo’s GPS tracker.¹²⁷ He did test positive for marijuana, but Bryant elected to use that as a treatment opportunity rather than to violate Angelo’s probation.¹²⁸

The official YRS recommendation to the Court was for Angelo to remain in Superior Court. The “deciding factor” was the murder charge.¹²⁹ Ms. Bryant

¹²⁰ *Id.*

¹²¹ A183.

¹²² A197.

¹²³ A198.

¹²⁴ A199.

¹²⁵ A269.

¹²⁶ A199.

¹²⁷ A199-200.

¹²⁸ A200.

¹²⁹ A189.

testified that she was not at liberty to give her personal opinion as to whether Angelo could be rehabilitated by YRS. She was only able to give the official YRS position.¹³⁰

Of course, if tried and convicted as an adult, Angelo would not be eligible for adult prison until his 18th birthday. He would be placed at Ferris School.¹³¹ However, if tried in Family Court, the Family Court could, upon court order, retain jurisdiction until Angelo turned 21.¹³² Despite statutory authority to rehabilitate youths until age 21, however YRS policy is to not keep a youth in Ferris past their 19th birthday.¹³³ As such, if adjudicated delinquent, Angelo could be held at Ferris until he turned 19, then supervised in the community by YRS until 21.¹³⁴

Incarceration in the adult system

At Ferris, Angelo would participate in several programs, including cognitive behavioral therapy, Thinking for a Change, yoga therapy, and other programs.¹³⁵ Angelo would have access to programming for behavioral, anger management, and

¹³⁰ A206.

¹³¹ A191.

¹³² A192-193.

¹³³ A195.

¹³⁴ *Id.*

¹³⁵ A186.

impulsivity issues.¹³⁶ He would also have educational services that would take his IEP into account.¹³⁷

On his 18th birthday, Angelo would be released from Ferris and sent to an adult correctional facility. According to Willie Evans, the correctional treatment administrator at SCI, Angelo would go to the “front of the line” for educational services due to his IEP.¹³⁸ For other services, Angelo would go through the classification process – a “battery of objective tools” that would determine his security level, housing, and treatment needs.¹³⁹ Evans testified that a young offender would be “hit pretty hard” with cognitive behavioral therapy programming.¹⁴⁰

Eventually, Angelo could be eligible for vocational programs like medical, carpentry or culinary arts.¹⁴¹ Evans testified, however, that a partial driver of the classification process is the crime for which one is in prison.¹⁴² For a murder offense, DOC policy mandates that Angelo would not go below medium security for the first ten years of his adult sentence.¹⁴³ As such, Angelo would get CBT and

¹³⁶ A193.

¹³⁷ A194.

¹³⁸ A239.

¹³⁹ *Id.*

¹⁴⁰ A240.

¹⁴¹ A242.

¹⁴² A247.

¹⁴³ A248.

other programming at Ferris until he turned 18, then be limited for years at the adult prison until his security level permitted him to resume programming.¹⁴⁴

Evans testified that all offenders at the adult prison are potentially eligible for the same “bucket of programming” offered.¹⁴⁵ But there is no specialized programming for someone who just turned 18. He would be placed in the same programs with the older offenders.¹⁴⁶

Angelo is more amenable to rehabilitative treatment than most juvenile offenders.

To assess Angelo’s risk for future dangerousness and treatment amenability, Dr. Cooney-Koss administered the Risk-Sophistication-Treatment Inventory (RSTI). This is a widely used testing instrument used to assess juvenile offenders facing criminal charges.¹⁴⁷ The RSTI compares the individual to the database of juvenile offenders as opposed to the juvenile population at large.¹⁴⁸

Angelo’s risk for future violence is at the 22nd percentile, meaning that 78 percent of juveniles have more risk for future violence than he does.¹⁴⁹ As to his level of sophistication and maturity, Angelo scored on the low end compared to his

¹⁴⁴ A250.

¹⁴⁵ A251.

¹⁴⁶ A252.

¹⁴⁷ A438.

¹⁴⁸ A280.

¹⁴⁹ A281.

peers.¹⁵⁰ The assessment revealed Angelos's strong will to handle problems on his own, which, coupled with his cognitive limitations and emotional immaturity, is problematic.¹⁵¹

Angelo scored particularly well on the third domain of the RSTI: treatment amenability. Angelo scored in the 74th percentile, which is more amenable to treatment than about three quarters of his peers.¹⁵² Testing showed that he had self-awareness about both his criminal conduct and his present inability to make good decisions.¹⁵³ However, Angelo demonstrated a sincere desire to improve his decision making and turn his life around. He is interested in vocational training, for example.¹⁵⁴ Most significantly, he repeatedly asked Dr. Cooney-Koss to convince his mother to allow him to have ADHD medication.¹⁵⁵ This demonstrates that Angelo believes that with the right treatment, he can reform his ways.¹⁵⁶

¹⁵⁰ A283.

¹⁵¹ A284.

¹⁵² A440.

¹⁵³ A285.

¹⁵⁴ *Id.*

¹⁵⁵ A285-286.

¹⁵⁶ A286.

ARGUMENT

I. THE SUPERIOR COURT ERRED BY DENYING FOURTEEN-YEAR-OLD ANGELO RODRIGUEZ’S MOTION TO TRANSFER HIS CHARGES TO FAMILY COURT.

Question Presented

Whether the Superior Court erred by denying the motion to transfer of Angelo Rodriguez, a 14-year-old who has plenty of time left for juvenile rehabilitation and was afforded hardly any prior efforts at rehabilitation. This issue was preserved by the filing of an Amended Motion to Transfer Charges to Family Court¹⁵⁷ and subsequent litigation of that motion. Despite taking a plea, Angelo has standing to appeal this decision pursuant to 10 *Del. C.* § 1011(e).

Scope of Review

This Court reviews the Superior Court’s denial of a reverse amenability motion for abuse of discretion.¹⁵⁸ The Superior Court’s decision on a motion to transfer “will be affirmed if it is supported by the record and is the product of a logical deductive reasoning process.”¹⁵⁹

¹⁵⁷ A25-30.

¹⁵⁸ *Marine v. State*, 607 A.2d 1185, 1211 (Del. 1992).

¹⁵⁹ *Holder v. State*, 692 A.2d 882, 885 (Del. 1997).

Merits of Argument

Juvenile justice standards have evolved nationally and in Delaware

As understanding of the special characteristics of juvenile offenders has evolved, so too has our system of juvenile justice. Beginning with *Roper v. Simmons*,¹⁶⁰ and continuing with *Graham v. Florida*¹⁶¹ and *Miller v. Alabama*,¹⁶² the Supreme Court's decisions have established that a national consensus existed that juveniles should be treated differently than adults for sentencing. Decades before this trilogy of cases, the Supreme Court recognized that "youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage."¹⁶³

Citing the unassailable body of research about the developing adolescent brain and its attendant inability to process executive functions as well as adults, the *Roper* court noted three significant differences between juveniles and adults:

- Adopting scientific and medical data presented by *amici*, the Court noted the lack of maturity and underdeveloped sense of responsibility in young people;
- Juveniles are more vulnerable and susceptible to negative influences and peer pressure;

¹⁶⁰ 543 U.S. 551(2005) (banning capital punishment for juveniles).

¹⁶¹ 560 U.S. 48 (2010) (banning life without parole for juvenile non-homicide offenses).

¹⁶² 567 U.S. 460 (2012) (banning automatic life without parole for juvenile homicide offenses).

¹⁶³ *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982).

- The character of a juvenile is not as well-formed as that of an adult.¹⁶⁴

The *Miller* Court held that a juvenile’s “transient rashness, proclivity for risk, and inability to assess consequences—both lessened a child’s moral culpability and enhanced the prospect that, as the years go by and neurological development occurs, his deficiencies will be reformed.”¹⁶⁵ To put it another way, as the *Graham* Court did, “[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed.”¹⁶⁶

In response to *Miller*, the Delaware General Assembly enacted 11 *Del. C.* § 4209A, which eliminated a mandatory life sentence for juvenile offenders.¹⁶⁷ The General Assembly also enacted 11 *Del. C.* § 4204A. This statute provides for a sentence review at 20 years for any juvenile sentenced to 20 years or more. The section further provides for a sentence review at 30 years for any juvenile serving a sentence for murder first degree.¹⁶⁸

The General Assembly has also taken action to limit those juveniles who must be proceeded against as an adult. Prior to 2021, 10 *Del. C.* § 1010 required prosecution in adult court of any juvenile accused of Murder First or Second

¹⁶⁴ *Roper*, 543 U.S. at 569-570.

¹⁶⁵ *Miller*, 567 U.S. at 472 (internal citations omitted).

¹⁶⁶ *Graham*, 560 U.S. at 68.

¹⁶⁷ 11 *Del. C.* § 4209A.

¹⁶⁸ 11 *Del. C.* § 4204A.

Degree, Rape First or Second Degree, Assault First Degree, Kidnapping First Degree, and Robbery in the First Degree (but as to that charge, only when the juvenile displayed a deadly weapon). In 2021, the General Assembly limited adult prosecution for those offenses only to juveniles 16 or over.¹⁶⁹ With the amendment, Superior Court jurisdiction over children between 12 and 16 applies only to charges of Murder First and Second Degree and Rape First or Second Degree.¹⁷⁰

The same legislative act effectively prohibited prosecution of any child under 12 years old and created a Juvenile Offender Civil Citation Program.¹⁷¹ The synopsis to the bill states, in part:

United States Supreme Court case law and scientific research has changed how we think about juvenile delinquency. We know now that an adolescent’s brain is not fully developed until the mid-twenties which makes juveniles especially prone to poor decision-making. In the landmark case of *Miller v. Alabama*, in which the United States Supreme Court prohibited mandatory life sentences without parole for juveniles on the rationale that children are inherently different than adults, the Court relied not only scientific research but on common sense and what any parent knows: kids will be kids.¹⁷²

The Superior Court ignored evolving standards of juvenile justice and the applicable statute; the Court instead applied a rebuttable presumption.

The Superior Court judge found that “legislature has created a rebuttable presumption that juveniles charged with [murder] should be tried as adults and the

¹⁶⁹ 10 *Del. C.* § 1010(a).

¹⁷⁰ 10 *Del. C.* § 1010(a)(5).

¹⁷¹ 10 *Del. C.* § 1002.

¹⁷² Synopsis to H.B. 115, (excerpt), 151st General Assembly (2021-2022).

burden of proof rests with each defendant to rebut that presumption.”¹⁷³ The Court also found that by being charged in Superior Court, the juvenile has “lost the benefit” of Family Court jurisdiction, creating a presumption that “the need exists for adult discipline and legal restraint.”¹⁷⁴ But the statute governing consideration of motions to transfer establishes no such presumption. The statute does not initially tilt the playing field against the movant. Instead, it sets forth factors for the Court to consider:

- (1) The nature of the present offense and the extent and nature of the defendant's prior record, if any;
- (2) The nature of past treatment and rehabilitative efforts and the nature of the defendant's response thereto, if any; and
- (3) Whether the interests of society and the defendant would be best served by trial in the Family Court or in the Superior Court.¹⁷⁵

These factors are considered after the Court initially determines whether the State has made out a *prima facie* case against the child.¹⁷⁶

Had the General Assembly intended to create a rebuttable presumption that the juvenile should face charges in Superior Court, it would have done so. Indeed, this Court views “both the amenability and reverse amenability processes as

¹⁷³ *State v. Rodriguez*, 2025 WL 466631 at *3 (Del. Super. Feb. 11, 2025), *citing*, *State v. Mayhall*, 659 A.2d 790, 795 (Del. Super. 1995).

¹⁷⁴ *Id.*, *citing*, *State v. Harper*, 2014 WL 1303012 at *4 (Del. Super. Mar. 31, 2014).

¹⁷⁵ 10 Del. C. § 1011(b).

¹⁷⁶ *State v. Caudle*, 2018 WL 4253210 (Del. Super. Ct., Sept. 5, 2018).

containing pivotal constitutional safeguards providing independent judicial scrutiny over the charging of juveniles.”¹⁷⁷ A baked-in predisposition against the defendant’s amenability to Family Court by way of a rebuttable presumption does not reflect fair and independent judicial scrutiny. Moreover, except in limited circumstances, rebuttable presumptions are expressly disfavored in our scheme of criminal law.¹⁷⁸

The General Assembly amended §1011 to permit appeals of the denial of reverse amenability motions after a guilty plea. Before this amendment, plea cases, which make up the overwhelming majority of juvenile-charged-as-adult dispositions, were unreviewable by this Court. The General Assembly’s enactment of the new law speaks to the importance of judicial review of these crucial, life-changing Superior Court decisions. That is particularly so in a case like Angelo’s where the judge has begun with a presumption against him.

As the movant, Angelo bore the burden of persuading the Court that jurisdiction of his case should be transferred. By indulging in a rebuttable presumption that jurisdiction should *not* transfer, the Superior Court failed to properly consider the § 1011(b) factors on a level playing field.

¹⁷⁷ *State v. Anderson*, 697 A.2d 379, 383 (Del. 1997)(internal citations omitted).

¹⁷⁸ 11 *Del. C.* § 306.

The Superior Court erred in weighing Angelo’s prior record against him.

The first § 1011(b) factor requires the Court to consider the nature of the present offense and then the defendant’s prior record.¹⁷⁹ The Court is of course correct that Angelo’s charges of murder and other offenses are “violent and serious in nature.”¹⁸⁰

It is worth noting, however, that it was the State who elected to charge Angelo with Murder First Degree. The facts do not support the charge. Video evidence demonstrates that Angelo was fleeing from a brawl. He indiscriminately and randomly fired back towards the group while running. There is no evidence that he intended to kill Ms. Coverdale or anyone else. The evidence supports the charge of Manslaughter or Murder Second Degree at most. The Superior Court had these facts available to it but elected not to scrutinize Angelo’s actual criminal conduct. Rather, it relied on the charge itself. The charge should, of course, weigh against transfer. But the Court’s finding that the charge weighed “heavily against transfer” was erroneous.

The Court’s more serious error was in its evaluation of Angelo’s prior criminal record. The Court held, “the Defendant’s priors, including firearms and armed robbery, cause the Court to determine that the second prong [of §

¹⁷⁹ 10 *Del. C.* § 1011(b)(1).

¹⁸⁰ *Rodriguez*, 2025 WL 466631 at *3.

1011(b)(1)] also weighs against transfer.”¹⁸¹ The Court failed to acknowledge important facts about Angelo’s criminal history.

Angelo had just relocated from his home in Reading, Pennsylvania. He was 13 years old. His father was absent, having been locked up during Angelo’s whole life. His one male role model was his mother’s paramour, who did not relocate to Delaware. He had little adult supervision as his mother worked full time on a strict schedule.¹⁸² In other words, he was a 13-year-old left to his own devices.

The Court failed to acknowledge that all Angelo’s criminal conduct occurred over a span of two months. Although there were several offenses and they escalated in severity, the entirety of the prior criminal conduct took place over an eight-week period. More importantly, all the criminal conduct occurred *before* Angelo received any rehabilitative services from YRS. He had never been adjudicated in any case before his arrest for robbery on September 24, 2023.

The final fact the Court failed to consider is with whom Angelo committed the offenses. Angelo committed several offenses with older individuals. In the most serious case, the carjacking, his codefendant was an adult, Lewis Cameron. In fact, when Cameron threatened to kill the female victim, Angelo stated, “bro,

¹⁸¹ *Id.* at *4.

¹⁸² A204.

chill,” indicating that Angelo was not on board with the violence Cameron threatened.

Angelo’s criminal history, although prolific, was brief in duration and often the result of being in the company of older people. The Superior Court – perhaps because the Court imposed a rebuttable presumption against Angelo – erred in weighing this factor against Angelo.

The Superior Court erred in its consideration of Angelo’s past treatment and his response to it.

The second factor the Court must consider is the nature of the defendant’s past treatment and his response to it.¹⁸³ Despite Angelo’s youth and his extremely limited exposure to rehabilitative treatment, the Court weighed this factor against Angelo.

Angelo is not an incorrigible who has been through the system. He has never been to Ferris School. He spent a total of four months on probation after being adjudicated for the robbery. Unlike, say, a 17-year-old who has a checkered history of several rehabilitative efforts, Angelo has hardly any history.

What history Angelo had under supervision was mostly positive. He did well on probation – well enough that his probation officer elected to remove the GPS monitor. Angelo complied with weekly probation contacts and participated in

¹⁸³ 10 *Del. C.* § 1011(b)(2).

multisystemic family-based therapy. It is a small sample size, but Angelo performed well in the community.

In reviewing the evidence, the Superior Court emphasized the negative facts and elided those which were favorable to Angelo. For example, the Court noted that Ms. Bryant testified that the official YRS position was that Angelo remains in Superior Court.¹⁸⁴ But that finding ignores two other important aspects of Bryant's testimony. Bryant, as Angelo's probation officer, clearly did not share YRS's view. But, as she testified, she was there on behalf of YRS, not to express her own opinion.

Moreover, Bryant made clear that the sole reason that YRS recommended Superior Court was the Murder First Degree charge. As such, the Superior Court's finding that YRS took its position only "after analysis of the Section 1011 factors"¹⁸⁵ is simply not correct. YRS considered only one part of the first factor: the nature of the present charge.

The Superior Court noted that when Angelo was in sixth grade, he told his teacher that he wanted to drop out of school and become a drug dealer.¹⁸⁶ But the Court's finding ignores the crucial context: Angelo told the teacher he wanted to

¹⁸⁴ *Rodriguez*, 2025 WL 466631 at *4.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.* at *5.

become a drug dealer “because of his brother and father.”¹⁸⁷ Angelo’s statement was more of an indication of his lived experience than the expression of a career aspiration. But the Superior Court disregarded that context.

The Superior Court noted that Willy Evans from DOC testified that Angelo would receive “preferential treatment” for educational services in the adult incarceration system because he had an IEP.¹⁸⁸ But the Court failed to recognize that beyond educational services, Angelo would have a difficult time accessing rehabilitative programming while in adult prison. Evans testified that Angelo would have to go through a battery of classification tests before being allowed to participate. Evans testified that any offender with a murder conviction cannot be classified below medium security for the first ten years of incarceration. And when Angelo can access programming, he would be placed with inmates years and decades older than him. DOC offers no programming tailored to young offenders.

The Superior Court also failed to recognize that due to his youth, Angelo would have access to programming at Ferris School for years if his case were transferred to Family Court. On the other hand, if his case remained in Superior Court, he would be transferred to adult prison on his eighteenth birthday in December 2027, where he would have to wait to restart rehabilitation for an

¹⁸⁷ A390.

¹⁸⁸ *Rodriguez*, 2025 WL 466631 at *5.

indeterminate period of time. Even then, the programming would not be tailored to youthful offenders.

The Superior Court acknowledged expert testimony from Dr. Cooney-Koss that Angelo's behavioral issues are greatly exacerbated by unmedicated ADHD. The Court also noted Dr. Cooney-Koss's finding that Angelo presents a lower risk for future dangerousness and a higher than average potential for successful treatment. The Court noted that Dr. Cooney-Koss's professional opinion is that extended Family Court jurisdiction is a sufficient amount of time for rehabilitation.¹⁸⁹

The Court must have given little weight to this expert opinion, however, since the Court denied the motion to transfer. The Court did not explain why it did not credit the expert opinion.

In its brief assessment of the interests of society and Angelo, the Court misapprehends the potential for rehabilitation in the juvenile justice system.

The Superior Court did not give much consideration to the third § 1011(b) factor, which is the interests of society and the defendant.¹⁹⁰ Here is the entirety of the Court's holding:

¹⁸⁹ *Id.*

¹⁹⁰ 10 *Del. C.* § 1011(b)(3).

As noted above, although the rehabilitative efforts and services were short-lived, they were not successful. Defendant's violent behavior has escalated in a short period of time despite efforts from YRS and the Family Court. Probation obviously did not work and it does not escape the Court of the limitations of the juvenile justice system. YRS will only provide services until the age of 19. While there is a possibility of extended jurisdiction to 21 the supervision between ages 19 and 21 would only include community supervision. Therefore, the Court must find that this factor also weighs against transfer of the charges to Family Court.¹⁹¹

The Court underestimates the rehabilitative capacity of the juvenile justice system, particularly when it has the opportunity to rehabilitate a child aged 14 (now having just turned 16). Under the Court's apparent rationale, no child over the age of 14 would be amenable because Family Court can only incarcerate the child until age 19. That leaves only 12- and 13-year-olds who facing murder or rape charges potentially amenable, at least in the Court's view.

Of course, the limited duration of YRS supervision is a factor when the offender is 16 or 17 when committing a serious offense. This is especially true when the youth has already completed YRS rehabilitative programs and then reoffended.¹⁹² But Angelo is not that offender. There is plenty of time left on the clock to both temporarily separate Angelo from society and rehabilitate him.

¹⁹¹ *Rodriguez*, 2025 WL 466631 at *6.

¹⁹² *See, e.g., Harper v. State*, 2014 WL 1303012 at *7 (Del. Super. Mar. 31, 2014)(offender was 17 when offense committed and had already completed a lockdown program at Ferris School; motion to transfer denied).

The Court failed to consider Angelo’s nascent neurological development.

Nowhere in the Court’s opinion is a discussion of or consideration of neurological development in adolescents. It is a by-now universally accepted medical and legal fact that the teenage brain is still in development and will develop and mature into the early twenties. The impulsivity, poor appreciation of consequences and poor decision making to which teens are susceptible improves as the brain develops. As Dr. Cooney-Koss testified, “the expectation is that it will only become better in terms of his decision making, both his ability to slow himself down and think, especially with the assistance of medication and those behavioral interventions.”¹⁹³

In Angelo’s case, his neurological immaturity was exacerbated by untreated ADHD when he committed the offenses. The facts of the case bear this out. It was an impetuous, impulsive act that occurred while he was running away from a melee. No planning went into it. No intent was involved.

The Superior Court’s failure to consider Angelo’s neurological development and ADHD as contributors to his impulsive conduct was clearly erroneous.

¹⁹³ A298.

Both society and Angelo would be better served if this Court reversed the Superior Court's denial of the motion to transfer.

There is no reason to believe that given the proper treatment and services, Angelo cannot be rehabilitated between now and December 2030 when the Family Court loses jurisdiction. All but the last two years would be spent in an incarcerative setting, but it would be one tailored to youthful offenders. Then he would be closely supervised in the community. This is obviously a far better outcome than being warehoused in an adult prison with older offenders, waiting until he is eligible – if ever – to get the programming he needs.

Society would be better off too. Incarcerating young offenders simply does not work. Dr. Cooney-Koss opined that, based on reliable studies, incarceration does not increase recidivism but tends to increase it.¹⁹⁴ Conversely, therapy and programs focused on behavioral change tend to decrease recidivism.¹⁹⁵

Very young adults incarcerated in adult prisons are at higher risk of suicide. They are also much more likely to endure physical violence and sexual assault as compared to older adults.¹⁹⁶ Moreover, studies demonstrate that youthful criminal conduct occurs on an age curve: the criminal behavior reaches its peak in teen years and steadily declines as the offender ages into the mid-twenties.¹⁹⁷

¹⁹⁴ A444.

¹⁹⁵ A445.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

The Delaware General Assembly recognized that incarceration of youthful offenders was a bad idea. Until 2022, pretrial and sentenced offenders aged 16-18 were housed in adult prison under the Young Criminal Offender Program (YCOP). But the General Assembly passed House Bill 26 in 2021.¹⁹⁸ Once enacted, this law abolished YCOP, ensuring that every pretrial and sentenced teenager remains within the custody of DSYCF until his or her eighteenth birthday.

Society would be better if it included an Angelo Rodriguez that had the benefit of age-appropriate rehabilitation interventions over the next few years. Society is no better off, and arguably worse off, if Angelo is incarcerated with older adults. The record establishes that he would get educational programming right away. After that, it is impossible to tell when he would be eligible for programs based on his classification. Even when he qualifies for programs, he will be thrown in with inmates years or decades older than him.

The Superior Court abused its discretion by only cursorily considering the interests of Angelo and society.

¹⁹⁸ H.B. 26, 151st General Assembly (2022).
<https://legis.delaware.gov/BillDetail?legislationId=48217>

CONCLUSION

This Court should reverse. The Superior Court misapplied the law and failed to consider important facts while over-emphasizing others. The effect of a reversal will be a jurisdictional transfer to Family Court, where Angelo will be sentenced for Murder Second Degree, to which he has already pled guilty.

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