



IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANGELO RODRIGUEZ,)
)
Defendant Below-)
Appellant,)
)
v.) **No. 27, 2026**
)
)
STATE OF DELAWARE,)
)
Plaintiff Below-)
Appellee.)

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF DELAWARE

STATE'S ANSWERING BRIEF

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NATURE OF THE PROCEEDINGS

On May 19, 2024, Angelo Rodriguez, who was then 14 years old, stole a gun from his brother's house. Three weeks later, while carrying the stolen gun, Rodriguez was a participant in a fight involving nearly 20 people. Rodriguez fired ten shots, killing one person and wounding another. Rodriguez was charged with a series of crimes, including first degree murder.

Persons under the age of 18 who commit crimes are generally adjudicated in the Family Court. However, by statute, a minor may in certain circumstances be tried as an adult in Superior Court.¹ As pertinent here, a child between the age of 12 and 16 may be tried as an adult if he or she is alleged to have committed murder or rape in the first degree or second degree.² In any case where the Superior Court has original jurisdiction over a child, the defendant may file a motion to transfer the case to Family Court, in which case the Superior Court must hold "reverse amenability" hearing to determine whether granting the motion is in the interests of justice.³

On September 4, 2024, Rodriguez filed a motion for transfer of charges to Family Court. A3. Rodriguez filed an amended motion for transfer on December

¹ 10 *Del. C.* §1010(a).

² *Id.*, §1010(a)(5).

³ 10 *Del. C.* §1011(b).

5, 2024. A4. On December 9, 2024, the court held a full-day hearing on the transfer motion which included testimony from twelve witnesses. By agreement, the parties each submitted ten-page post hearing summations, after which the court took the matter under advisement. On February 11, 2025, the court issued a thorough opinion analyzing the facts and law and concluding that “[a]fter weighing the factors set forth in 10 *Del. C.* §1011(b), transfer [to the Family Court] is not appropriate.” Opinion (Notice of Appeal Ex. B) at *6.

On November 19, 2025, Rodriguez pled guilty to Murder Second Degree. On December 30, 2025, the Superior Court sentenced Rodriguez to 15 years of unsuspended prison time. Because he is a minor, Rodriguez is currently at the Ferris School, where he will remain until his 19th birthday, at which time he will be transferred to an adult prison.

Pursuant to 10 *Del. C.* §1011(e), a defendant whose transfer application is denied may appeal that decision even after entry of a guilty plea. On January 14, 2026, Rodriguez filed a timely Notice of Appeal, and on March 3, 2026 Rodriguez filed his opening brief in support of that appeal. This is the State’s answering brief.

SUMMARY OF ARGUMENT

I. Denied. The Superior Court thoroughly considered the circumstances of this case, including the testimony of twelve witnesses. The Court properly considered factors set forth in section 1011(b) to determine that this case should not be transferred to Family Court. Based on the evidence presented, the Superior Court found, *inter alia*,

- the crimes for which Rodriguez is accused “are both violent and serious in nature,” and Rodriguez had a significant prior record, including firearms and armed robbery. Opinion at *3-4.
- After Rodriguez’s robbery arrest he was detained at the Stephenson House where he was involved in several fights and disobeyed a staff directive. Opinion at *4. While on subsequent probation, Rodriguez tested positive for marijuana in two drug screenings. *Id.* And, while on probation, Rodriguez committed additional crimes, including theft of a credit card and theft of the gun used in the murder for which he was charged. *Id.* at *4-5.
- Rodriguez was referred to, and participated in, multi-systemic therapy. Opinion at *4. Although rehabilitative efforts were short lived, “Defendant’s violent behavior has escalated in a short period of time

despite efforts from YRS [Youth Rehabilitative Services] and the Family Court. Probation obviously did not work...” *Id.* at *6.

Based on these findings and others, the Court concluded that transfer to Family Court was not appropriate.

The Superior Court correctly considered the factors set forth in section 1011(b), and its findings are fully supported by the record. Accordingly, the Superior Court did not abuse its discretion in denying the Motion to Transfer.

STATEMENT OF FACTS

A. Rodriguez's Family Background

Like too many children in our society, Rodriguez has had a challenging childhood. His father has been incarcerated since he was three years old. A421-2. When Rodriguez was age 5 to 11, his mother had a boyfriend, who Rodriguez referred to as "Dad", but his mother and the boyfriend separated when Rodriguez was 11 years old. A398, 422. Thereafter, the main male adult figure in Rodriguez's life was his maternal grandfather, but he died in 2022. A 399; A420.

Rodriguez is eight years younger than any of his siblings, and the two siblings with whom he is closest (his brother Ray and sister Rachel) have had involvement with the criminal justice system. A420-1. Rodriguez's mother clearly loves him, but appears to have an unrealistic view of his nature and his problems. She believes that Rodriguez has essentially been a model child, with no real problems, despite his significant criminal activity. A440.

Rodriguez's mother has struggled financially, and the family has resided in challenging neighborhoods. A421. Rodriguez has witnessed the fatal shooting of a friend, a hit-and-run accident in which a different friend was injured, and allegedly was grazed by a bullet as a bystander to a different shooting. A399; A421; 423.

B. Rodriguez's Behavioral Problems in School

Rodriguez has had an extensive history of problems at school, which emerged as early as kindergarten. A427. In 2019, he was suspended for bringing a bullet to school. A 312. His records from Millsboro Middle School (where he attended sixth grade and eighth grade between 2022 and 2024) and Beacon Middle School (where he attended seventh grade in 2022-2023) indicate that Rodriguez routinely had behavioral infractions while at those schools. A427. Rodriguez's 2022 Evaluation Summary Report stated that he was "often disrespectful and was persistently disruptive in class." A426. The report also noted that Rodriguez "did not typically take responsibility for his actions, appeared oblivious regarding how his behaviors affected others, refused to comply with the rules, and deliberately annoyed others." *Id.* It was further noted that Rodriguez "could be vindictive if he felt that others had wronged him." *Id.* In 2022, Rodriguez told his sixth-grade teacher that he wanted to drop out of school and become a drug dealer, giving specific detail on how to successfully become a drug dealer because of his brother and father. A228; 390.⁴

While at Beacon Middle School, Rodriguez was given an Individual Education Program ("IEP") with his primary classification being an emotional disability. A211. Mrs. Hagan, Rodriguez's sixth-grade teacher and later an

⁴ The teacher, a mandated reporter, reported this to the Division of Family Services. A228.

Assistant Principal of Millsboro Middle School, testified that the services provided under the IEP “sometimes” improved Rodriguez’s performance – only when he “bought into them.” A215.

The IEP was at best only partially successful. In his last full year of school Rodriguez received failing grades in all his courses. A426. And, between 2022 and 2024, Rodriguez also had approximately forty behavioral incidents, including inappropriate or disrespectful behavior toward teachers, abusive and inappropriate language directed at an Assistant Principal, insubordination, marijuana possession, disruption of the education process, inappropriate behavior or disrespect toward a student, offensive touching and fighting. A218-223. While some teachers reported that they enjoyed having Rodriguez in their class, others had a different experience. A226-7. As Mrs. Hagan testified, he “could be great; could be difficult.” A227.

C. Rodriguez’s Criminal Activity and Detentions

Between July 31, 2023 and June 9, 2024, Rodriguez was arrested five separate times and charged with a total of 39 felonies and 9 misdemeanors.

(1) July 3, 2023 – Car Theft

Rodriguez was first arrested on August 1, 2023, in connection with a car theft. A state trooper observed two people wearing ski masks in an automobile that had been reported as stolen and had been involved in a hit and run accident. A86-88.

The stolen vehicle turned into a neighborhood and the occupants fled the vehicle. A88-89; A95. A second trooper arrived and help search for the occupants of the vehicle. A95. The trooper found Rodriguez hiding in a pottery shed wearing a ski mask. A96. Rodriguez resisted arrest and was found with a Marijuana/THC Vape pen, a ski mask and surgical gloves. A96-97. After his arrest, Rodriguez asked for his phone, stating that he could have dropped it or left it in the stolen vehicle. A91.

When Rodriguez was interviewed the following day, he said he was wearing gloves because he was riding his bicycle, but no bicycle was located. A102-3. None of Rodriguez's account made sense. A103.

Rodriguez was charged with Wearing a Disguise During the Commission of a Felony, Receiving Stolen Property Over \$1500, Possession or Consumption of Marijuana Under 18, Resisting Arrest and Criminal Trespass Third Degree. A91. Rodriguez later pled guilty to Resisting Arrest as part of a global settlement to the charges then pending against him.

(2) *September 6, 2023 – Burglary and Theft of a Firearm*

On September 6, 2023, a resident of Rodriguez's neighborhood reported that she had discovered a bookbag containing firearms. A105. The bookbag was traced to a juvenile; that person's father reported that the bookbag had been missing a short time earlier. A108-9. The father reported that someone had pushed in the window and gained access to his son's room, and took the bookbag. A109. Rodriguez's

fingerprints were found on the window. A109-110. And, Rodriguez's Instagram contained a picture of him holding a gun that resembled one of the guns found in the bookbag. A111. Rodriguez was arrested and charged with Possession of a Firearm by a Person Prohibited, Burglary and Theft. A111.

(3) *September 24, 2023 – Armed Car-Jacking.*

On September 24, Andrew Zamora reported to police that his vehicle was stolen by a boy that went by the name of "G-Low." A114-15. Zamora said that G-Low was an acquaintance of his and that he got a Snapchat message asking him to give a ride to G-Low. A116. Zamora and his girlfriend, Chloe Park, picked up G-Low. When they did so, G-Low and his accomplice assaulted Zamora with knives and demanded his keys. A118-19. Chloe Park said she was seven months pregnant; Rodriguez's accomplice responded "Then you and your baby will effing die if you don't get out." G-Low told his accomplice "Bro, chill." A123. G-Low and his accomplice then punched Zamora in the face and took his car. A118.

Zamora was able to pull up a photo of the person he knew as "G-Low" on Instagram, and it was Rodriguez. A119. Rodriguez was arrested on September 26, 2023 and charged with Robbery First Degree and other felonies. A120; A356-7. Rodriguez's accomplice was identified as Lewis Cameron, an adult. A122.

(4) *September 26, 2023-December 3, 2024 – Confinement at Stevenson House Detention Facility and Plea Bargain and Probationary Release.*

Following his September 26, 2023 arrest, Rodriguez went into pretrial detention at Stevenson House, where he remained until December 4, 2023. A176; A416. Early on, Rodriguez was reprimanded for not following a staff directive. A178. He also got into two fights during his first detention at Stevenson House, one in October 2023, and one in November 2023. A177-8.

Rodriguez's then-pending charges were adjudicated on December 4, 2024, at which time Rodriguez pled guilty to Robbery Second Degree and Resisting Arrest. A141; A413. Rodriguez was released on pretrial supervision with GPS-monitored home confinement unless at school or with certain specified individuals. A414. Sentencing was deferred until February 26, 2024 pending completion of the Youth Assessment and Screening Instrument and a Consultation and Assessment evaluation. A414.

On February 26, 2024, Rodriguez was sentenced to community supervision for a period of 12 months, and on March 1, 2024, Rodriguez was assigned to a community services probation office. A414. As detailed in Section D, *infra*, Rodriguez was generally compliant with weekly probation contacts, although he was not at home or failed to answer the door for one or two visits that were scheduled

prior to his June 9, 2024 arrest, and he failed the two drug screens he was given, testing positive for THC.

(5) *March 8, 2024 – Theft of a Credit Card*

Following Rodriguez's release from Stevenson House he returned to Millsboro Middle School. On March 8, 2024, less than two weeks after Rodriguez's sentencing, a student reported that he or she was missing a credit card. A219. School officials investigated using their camera system and found that Rodriguez and another student were in possession of the missing credit card. *Id.* Rodriguez was not arrested or charged with a crime in this instance.

(6) *May 19, 2024 – Robbery and Theft of a Firearm*

On May 19, 2024, Rodriguez's brother, Ray Rodriguez and his girlfriend, Nicole Alvarez, reported that a gun and ammunition was stolen from their residence. A127-28. Police were able to determine the serial number of the stolen firearm. A129. Police asked Ray Rodriguez whether anyone else knew where they had kept the stolen firearm; Mr. Rodriguez applied that his brother, Angelo Rodriguez, knew the location, and that Angelo had been at the home earlier that day. A130. As described below, the firearm recovered following the murder giving rise to this appeal matched the serial number of the gun that Ray Rodriguez and Ms. Alvarez reported as stolen.

On June 9, 2024, Rodriguez was arrested and charged with theft of a firearm and burglary. A131-2.

(7) *June 9, 2023 – Murder of Ahniya Coverdale*

On June 9, 2023, a 17-year-old girl, Ahniya Coverdale, was murdered while minding her own business at field adjacent to a recreation center. A41. Keith Owens, who was also present, was shot and wounded in the same incident. A41; A433.

The shooting that killed Ahniya Coverdale occurred during a fight between two groups of teenagers that apparently arose from a prior dispute involving someone's girlfriend. A43. One group of teens was present in the field. A second group of about eight teens, identified as "Group B", then approached the field, wearing masks. A42-24; A541. The fight and the shooting were captured on surveillance video, which showed a person from Group B firing numerous shots. A43. Although the video was too distant to discern faces, participants were later identified by their clothing. A82-83.

After responding to the shooting, police were directed to 307 Willow Street, where members of Group B went after the incident. A44-45. One of the participants in Group B, Reggie McGlotten, lived at that home with his mother, Ebony Smack. A51. The father of another Group B participant, Darrell Parker, Sr., was also present. A48.

Smack told police that she confronted the teens about who brought a gun into her house. A65. One of the Group B members, Davon Dallas, said that Rodriguez had brought the gun in, but he denied it. *Id.* The gun was then located in the bedroom where the teens were present, hidden between the mattress and the box spring. A50. At that point, Darrell Parker, Sr. placed Rodriguez in his truck, and the firearm was secured until police arrived. A48.

The police contacted Rodriguez's mother, who confirmed that Rodriguez's brother had filed a police report stating that his firearm was missing. A51-52. Police ran the serial number from the gun recovered underneath the mattress at Ms. Smack's home and it matched that of the gun reported stolen on May 19 by Ray Rodriguez and Nicole Alvarez. A52-3. That night, Rodriguez was arrested and charged with burglary, theft of a firearm and possession of a firearm by a person prohibited while the police continued their investigation. A57; A355.

The police initially recovered three shell casings from the crime scene. A71. Ballistics determined that those shell casings were from the gun that had been stolen from Ray Rodriguez's home and was later recovered at Ms. Smack's home on the night of the shooting. *Id.* Police were able to review the surveillance and were able to determine that additional shots were fired. A73. As a result, police performed further searches of the crime scene and recovered seven additional shell casings. A73; A82. At the time of the hearing on the Motion to Transfer, ballistics testing on

those shell casings had not been completed (A74); however, there is no suggestion that shots were fired from any other gun. Police also recovered the bullets that killed Ms. Coverdale and wounded Mr. Owens. A72. Ballistics testing revealed that the bullet that killed Ms. Coverdale was fired from the gun that Ray Rodriguez had reported as missing and that was recovered on the night of the shooting. A72-73. At the time of the Motion to Transfer hearing, ballistics testing on the bullet that wounded Mr. Owens had not been completed. A72.

Police were able to determine that the clothing worn by the shooter in the video matched the clothing that Rodriguez was wearing at Ms. Smack's home following the shooting. A82-83.

Police were also able to identify and interview the members of Group B. During those interviews, one of the Group B members, A.J. Mosley, said that Angelo had told Reggie McGlotten that he did the shooting, and "dabbed up" (*i.e.*, gave a high-five to) one of the other teens present. A56; A67.

Police determined that Rodriguez was not good friends with members of Group B. Reggie McGlotten and two other members of Group B picked Rodriguez up prior to the shooting, but several of the members of Group B did not even know Rodriguez's name – they referred to him as the light skinned or fluffy haired kid. A60. Rodriguez apparently knew that he was going to a fight, as he was wearing a

mask. Rodriguez was also apparently the only individual who brought a gun to the fight.

Following the investigation, Rodriguez was arrested and charged with Murder First Degree, Assault First Degree, Possession of a Firearm During the Commission of a Felony, Possession of a Firearm by a Person Prohibited, and several Reckless Endangering First Degree charges. A57.

D. Youth Rehabilitation Services' Interactions with Rodriguez

As previously noted, following his 2023 arrests, Rodriguez was detained at Stevenson House from September 26, 2023 to December 4, 2023. During this 10-week stay, Rodriguez got into two fights and was reprimanded for failing to follow the directions of a staff member. Save for those incidents, Rodriguez was generally compliant while at Stevenson House. A197-8.

In February 2024, Rodriguez was evaluated by Dr. Lungren on behalf of DSCYF. As described in more detail below, Rodriguez told Dr. Lungren that, as a result of his confinement at Stevenson House, he had “learned his lesson,” and he enunciated what Dr. Lungren characterized as “great positive goals” – he wanted to go to Vo-Tech school to learn automotive mechanics, to play varsity football, and to get a college scholarship. A159-60. On a scale of 1 to 10, Rodriguez said his readiness was a 10. A 159-60. Dr. Lungren recommended Rodriguez for Cognitive

Behavioral Self-Therapy and enrollment in the VisionQuest program. A158; 166-67.

Consistent with the recommendation, Rodriguez was provided with Multi-Systemic Therapy (“MST”), which included weekly meetings with his probation officer, and was also referred to VisionQuest for sanctuary services. A181. Rodriguez met regularly with his MST counselor and “did well” in his MST visits. A182. He participated in the initial intake for the VisionQuest program but was unable to proceed further because of his arrest. A183-84.

Rodriguez was available for most of his probation visits, although on one or two occasions he was either away from home or failed to answer the door. A181-2.

As part of his probation, Rodriguez was given two drug screens, one on April 11, 2024 and another on May 9, 2024. Rodriguez failed both drug screens, testing positive for marijuana on both occasions. A414.

Following his June 9, 2024 arrest, Rodriguez was detained once again at Stevenson House until October 23, 2024, when he was transferred to the New Castle County Detention Center. A416. Rodriguez got into two additional fights during his 2024 confinement at Stevenson House but did not have other behavioral issues. A178. After his transfer to the New Castle County Detention Center Rodriguez earned a “gold shirt,” which denotes the highest level of behavioral progress. A424.

E. Recommendations of Dr. Lungren, DSCYF and Dr. Cooney-Koss

(1) *Dr. Lungren*

As noted previously, Dr. Lungren evaluated Rodriguez on February 20, 2024, before any of his 2024 crimes. See p. 16, *supra*. Dr. Lungren found that Rodriguez was “not presenting with any diagnosable psychiatric or substance use disorder.” A396. Specifically, Dr. Lungren did not observe any symptoms of ADHD. A401. Dr. Lungren’s report stress that Rodriguez appeared to be “pleasant, mature and cooperative with the interview process,” and appeared to be a “very resilient person.” A401-2.

Rodriguez stressed to Dr. Lungren that he had just been released from Stevenson House and that he had “learned his lesson” and never wanted to do anything to go back to Stevenson House. A149; A396; A400. Lungren was also impressed with Rodriguez’s stated goals of attending Vo-Tech school, playing varsity football, and getting a scholarship to attend college. A159-60; A398-99. Rodriguez told Dr. Lungren that “most of his legal difficulties were related to associating with a delinquent peer group”, and that he needed “to stop hanging around the wrong crowds of people.” A 400; A165. Rodriguez told Dr. Lungren that he had used marijuana in the past, but had not used any drugs, alcohol, cigarettes or vape since his release from detention. A404.

Dr. Lungren diagnosed Rodriguez with Conduct Disorder Adolescent Onset Type which is defined as “[a] repetitive and persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated...” A403. Dr. Lungren recommended that Rodriguez receive a VisionQuest service called Cognitive Behavioral Self Counseling to help Rodriguez “identify the thoughts that are connected to acting out behaviors in various situations and then modify these thoughts in a more assertive and pro-social fashion that could improve his judgment and decision making.” A405. Dr. Lungren thought that they had “a great service plan.” A160.

(2) *Recommendation of DSCYF*

On November 19, 2024, the Department of Services for Children, Youth & Their Families (“DSCYF”) issued its Reverse Amenability Report. A413-17. The report reviewed Rodriguez’s criminal history and his history with DSCYF, as well as his current charges. The Report found that “[g]iven the serious and violent nature of [the pending charges], Angelo is considered a significant threat to the safety of the community.” A415. The Report noted that “Angelo has a history of incurring violent felony and firearm related charges.” A415. The report also reviewed the past treatment and rehabilitative efforts that DSCYF had undertaken. A417. The Report further noted that “Angelo’s arrests have escalated in seriousness and violence while on supervision.” A417. The report concluded, “Given the egregious

and violent nature of the pending charges and the significant threat to the safety of the community, DYRS recommends that the charges remain in Superior Court for resolution based on the aforementioned factors outlined in this report.” A417. Jessica Bryant, Rodriguez’s Probation Officer, was the author of the report, but before making her recommendation, Ms. Bryant consulted with her supervisor, her Regional Manager, her Chief and her Director. A190. Thus, the recommendation was the consensus of DSCYF.

(3) *Dr. Cooney-Koss*

Dr. Cooney-Koss was retained by Rodriguez’s counsel and examined Rodriguez on September 24, 2024 while Rodriguez was detained at Stevenson House following his 2024 arrests. A419. In her career, Dr. Cooney has testified exclusively for defendants; she estimates that she has found non-amenability for adjudication in Family Court in only about one-fifth of the cases she has seen. A303; A256-7. In contrast to Dr. Lungren, who found no signs of hyperactivity, Dr. Cooney-Koss found indications that Rodriguez’s hyperactivity impulsivity and inattention were “strikingly high.” A262. Dr. Cooney-Koss believed that Rodriguez required pharmacological intervention for ADHD, and you “can’t count against him repeated mistakes that he has made without intervention.” A289, A293. Rodriguez’s mother had previously blocked him from taking such medication.

A260. Dr. Cooney-Koss also diagnosed Rodriguez with PTSD and generalized anxiety disorder, and noted that he has features of bipolar disorder. A286-87.

Dr. Cooney-Koss noted that Rodriguez's performance on IQ tests had dropped significantly. In 2022, Rodriguez's overall IQ score was 77, which is very low average. A261-2. When Dr. Cooney-Koss tested Rodriguez in 2024, his IQ was 58, which is "someone who really just has trouble operating in general." A274-5. Dr. Cooney-Koss attributed the drop in Rodriguez's IQ score to ADHD, and believes that if he were properly medicated, his IQ score would be different. A277-8.

Dr. Cooney-Koss also administered the Risk Sophistication Treatment Inventory ("RSTI"), which is designed to measure an individual's behavior compared to other individuals in the juvenile justice system. A279-80. The test is designed to measure risk for dangerousness, sophistication/maturity, and treatment amenability. A280. Dr. Cooney-Koss testified that for risk of dangerousness, Rodriguez was in the "middle offender range." A281. On the sophistication/maturity measure, Rodriguez's score was low, "meaning he is not functioning super well." A283. Rodriguez also had low scores in terms of his conflict resolution and ability to regulate his emotions. A284. Although these are clearly negative factors, Dr. Cooney-Koss suggested that they were actually positives, as "all of these things are things that we can and we should do for treatment and interventions for him." A284.

Finally, Rodriguez had high scores for treatment amenability based upon things that he told Dr. Cooney-Koss – that he “wants to do the right thing” but is incapable, and that “he knows that about himself.” A285. Dr. Cooney-Koss also pointed out that Rodriguez told her that he “wants to have a vocational plan for himself” and wants to take medication so that he can do better in school. A284-5.

Rodriguez’s statements to Dr. Cooney-Koss about treatment amenability are in direct conflict with his results on the Personality Assessment Inventory that she administered. As Dr. Cooney-Koss’ report points out, “[a] unique feature of this measure is the fact that it includes four scales used to assess the examinee’s response style in order to determine the validity of their test profile”, which entails “evaluating whether the individual answered questions in an inconsistent, defensive or exaggerated fashion.” A435. Dr. Cooney-Koss determined, based on interpretation of those scales, that Rodriguez “tended to answer in what appeared to be a forthright manner.” *Id.* Based on Rodriguez’s “forthright” responses on that inventory, Dr. Cooney-Koss concluded: “As for treatment considerations, Angelo’s responses indicated that he has *less interest in treatment as compared to other adolescents*. His responses suggest that he feels that he is doing well and sees few psychiatric concerns in himself. As a result, Angelo sees little need for therapeutic support to work on self-improvement.” A436 (emphasis added).

Finally, Dr Cooney-Koss pointed to studies suggesting that adolescents do better when placed into use rehabilitation programs than when placed into adult prisons, and that “[p]olicies that transfer young offenders to the adult criminal justice system for violent offenses, according to the Centers for Disease Control and Prevention, ‘do more harm than good.’” A445, quoting a 2016 ACLU study entitled “False Hope-How Parole Systems Fail Youth Serving Extreme Sentences.”

ARGUMENT

I. THE SUPERIOR COURT DID NOT ABUSE ITS DISCRETION IN DENYING RODRIGUEZ’S MOTION TO TRANSFER HIS CASE TO FAMILY COURT.

Question Presented

Did the Superior Court abuse its discretion in denying Rodriguez’s Motion to Transfer his case to the Family Court for adjudication?

Standard and Scope of Review

This Court reviews the Superior Court’s denial of a Motion to Transfer (*i.e.*, a “reverse amenability” motion) for abuse of discretion.⁵ The Superior Court’s decision on such a motion “will be affirmed if it is supported by the record and is the product of a logical deductive reasoning process.”⁶ Rodriguez’s claim that the trial court erred as a matter of law in holding that the legislature has created a rebuttal presumption that juveniles charged with murder should be tried as adults is reviewed *de novo*.⁷ Rodriguez’s challenges to the Superior Court’s factual findings⁸ can be upheld only if he demonstrates “clear error.”⁹

⁵ *E.g.*, *Marine v. State*, 607 A.2d 1185, 1210-11 (Del. 1992).

⁶ *E.g.*, *Holder v. State*, 692 A.2d 882, 885 (Del. 1997).

⁷ *E.g.*, *Shipman v. State*, 2022 WL 984396, at *2 (Del. Apr. 1, 2022).

⁸ OB 7-8.

⁹ *Swanson v. State*, 351 A.3d 496, 504 (Del. 2025); *Garnett v. State*, 308 A.3d 625, 641 (Del. 2023).

Merits of Argument

A. The Relevant Statutory Framework

10 *Del. C.* §1002(a) sets forth the jurisdiction of the Family Court and provides in relevant part, “[e]xcept as provided in §1010 of this title” no child shall be “charged with or prosecuted for a crime in any other court.”

The substantive provisions of 10 *Del. C.* §1010 are set forth in subsection (a); the remaining subsections of the statute are procedural. 10 *Del. C.* §1010(a) is not a model of legislative draftsmanship. Its introductory sentence states: “A child, aged 16 or older, shall be proceeded against as an adult where:” Six subparagraphs follow, the first four and last of which set forth objective criteria. The criteria appear to be disjunctive (trial as an adult if any criterion is met), but the statute does not say that. Subparagraph (5), which is the subparagraph applicable to this case, provides:

Notwithstanding anything in this Code to the contrary, a child over the age of 12 and under the age of 16 may be proceeded against as an adult only where they are alleged to have committed murder in the first degree, murder in the second degree, rape in the first degree, or rape in the second degree.

This language is syntactically incoherent in relation to the lead-in sentence of subsection (a) (“A child, age 16 or older, shall be proceeded against as an adult where:”). The intent of the statute, however, appears to be that if a child between

the age of 12 and 16 is alleged to have committed one of the specified crimes, the State may proceed against that person as an adult.¹⁰

This construction of section 1010(a)(5) is reinforced by 10 *Del C.* §1011. Subsection (a) of that statute provides that “In any case in which the Superior Court has jurisdiction over a child, the Attorney General may transfer the case to the Family Court for trial and disposition if, in the Attorney General’s opinion, the interest of justice would be best served.” Subsection (b) provides that “Upon application of the defendant in any case where the Superior Court has original jurisdiction over a child” the Court may transfer the case to Family Court if the Superior Court determines transfer to be in the interest of justice. Finally, Subsection (c) provides that the hearing contemplated by Subsection (b) of the

¹⁰ Prior to an amendment in 2021, the lead-in sentence of Section 1011(a) provided that “A child shall be proceeded against as an adult” where certain criteria were met; subsection (a)(1) included among the criteria that the child was alleged to have committed first or second degree murder. There was no age restriction.

The 2021 amendment to the statute added the words “aged 16 or older” to the lead in of subsection 1011(a) and added subparagraph (5), addressing children over the age of 12 and under the age of 16. 83 *Del. L.* 259 (2021). The Synopsis to the proposed amendment (HB 115) makes clear that the intent statute was that children under the age of 16 could be prosecuted in the Superior Court if they were charged with committing first or second degree murder or rape: “The exception to the prohibition on... transfer to Superior Court for children under sixteen, is only for the most serious charges: murder in the first degree, murder in the second degree, rape in the first degree and rape in the second degree”

statute shall be held by the Superior Court “only upon timely application of the defendant.”

Taken together, sections 1010(a)(5) and 1011 provide that the Superior Court has jurisdiction to try a person between the age of 12 and 16 as an adult if he or she is charged with first degree or second degree murder or rape, that the Attorney General may transfer the case to the Family Court in its discretion, and that if the Attorney General does not effect such a transfer, the defendant may make an application to the Superior Court to have the case transferred to Family Court. Here, the Attorney General did not transfer the case, and the defendant timely moved pursuant to 10 *Del. C.* §1011(b) and (c) to transfer the case to Family Court.

The consequences of proceeding in Family Court rather than Superior Court are significant. Pursuant to Rodriguez’s plea agreement, Rodriguez pled guilty to Murder in the Second Degree, and the parties agreed to recommend a sentence of 15 years of detention, which is the statutory minimum term.¹¹ The Superior Court accepted that recommendation, sentencing Rodriguez to 40 years at Level V, suspended after 15 years for one year at Supervision Level IV, followed by three years at Supervision Level III.¹² The practical consequence of conviction in the Superior Court is that Rodriguez will be sentenced to confinement at Ferris until his

¹¹ A527; 11 *Del. C.* § 4205(b).

¹² A554.

18th birthday, after which he will be transferred to an adult detention facility for the remainder of his sentence.¹³

If Rodriguez's case were heard in Family Court and he pled guilty to Second Degree Murder or was convicted of that crime after trial, he would be sentenced to confinement at Ferris until his 19th birthday (*i.e.*, a total of four years), after which he would be released into the community.¹⁴ Upon application, the Family Court's jurisdiction over Rodriguez could be extended until his 21st birthday, but he would not be detained in any correctional facility beyond his 19th birthday – he would be released into the community and would most likely be managed by adult probation.¹⁵

B. The Superior Court Properly Exercised its Discretion in Determining that Rodriguez Should be Tried in the Superior Court.

10 *Del. C.* §1010 (b) provides that, upon the motion of a defendant to transfer a juvenile criminal matter to the Family Court, the Superior Court shall 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 defendant's response thereto, if any; and

¹³ A185; A207-8; 11 *Del. C.* §420A(b).

¹⁴ A207.

¹⁵ A195; A207; A345-6.

(3) Whether the interests of society and the defendant would best be served by trial in the Family Court or in the Superior Court.

The statute also directs the Superior Court to consider “such other factors which, in the judgment of the Court are deemed relevant.”

Here, the Superior Court carefully considered each of the enumerated factors and properly exercised its discretion to deny Rodriguez’s Motion to Transfer.

Rodriguez asserts as an initial argument that the Superior Court “ignored evolving standards of juvenile justice and the applicable statute” and instead “applied a rebuttable presumption” that the case should be adjudicated in Superior Court.¹⁶ Rodriguez concedes that “[a]s the movant, Angelo bore the burden of persuading the Court that jurisdiction of his case should be transferred,” but that 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.”¹⁷ Rodriguez also argues that, other than in limited circumstances, “rebuttable presumptions are expressly disfavored in our scheme of criminal law.”¹⁸

¹⁶ AB 30.

¹⁷ OB 32 (emphasis in original).

¹⁸ OB 32, citing 11 *Del. C.* §306

The Superior Court’s language regarding a “rebuttable presumption” consisted of quotations from prior cases so holding.¹⁹ Certain of the language quoted in the Opinion was first set forth in *State v. Anderson*:²⁰

Since a juvenile charged with a designated felony in the Superior Court has lost the benefit of Family Court adjudication by statutory pronouncement, there is [a] presumption that a need exists for adult discipline and legal restraint. Hence, the burden is upon the juvenile to demonstrate the contrary.²¹

It appears that subsequent cases combined the two elements set forth in *State v. Anderson* – the presumption that a need exists for adult supervision and legal restraint, and the burden being on the juvenile to demonstrate the contrary – to hold that “where original jurisdiction has been conferred on the Superior Court under 10 *Del. C.* §1010 the legislature has created a rebuttable presumption that juveniles charged with [specified crimes] should be tried as adults and the burden of proof rests with each defendant to rebut that presumption.” The Opinion quoted *State v.*

¹⁹ Opinion at *3, quoting *State v. Mayhall*, 659 A.2d 790, 795 (Del. Super. Ct. 1995) and *State v. Harper*, 2014 WL 1303012, at *4 (Del. Super. Ct. Mar. 31, 2014).

²⁰ 384 A.2d 738 (Del. Super. Ct. 1978).

²¹ *State v. Anderson*, 384 A.2d 738, 740 (Del. Super. Ct. 1978). The Opinion’s quotation of this language (Opinion at *3) cites *State v. Harper*, 2014 WL 1303012, at *4 (Del. Super. Ct. Aug. 22, 2013), which was quoting *Anderson*.

Mayhall,²² the first case to so hold, but numerous subsequent cases have used the same language.²³

Rodriguez’s arguments that the court’s “rebuttable presumption” language was improper fail. First, section 306 does not abolish rebuttable presumptions; it only abolishes “conclusive presumptions.” Indeed, section 306 expressly states that “[r]ebutable presumptions formerly existing in the criminal law of this State are preserved except to the extent that they are inconsistent with this Criminal Code,” and the statute then lists certain rebuttable presumptions that are expressly preserved.²⁴

And, contrary to Rodriguez’s assertion, rebuttable presumptions do not “tilt the playing field” in one direction or the other as to the court’s exercise of discretion. Rather, the presumption allocates the burden of proceeding and the burden of proof. If there is a rebuttable presumption against transfer to the Family Court, that simply means that, *first* the defendant has the burden to bring a motion to transfer, and if he fails to do so, adjudication will remain in the Superior Court. There is nothing improper about this, as sections 1011(b) and (c) expressly require this result.

²² 659 A.2d 790, 795 (Del. Super. Ct. 1995), quoted at Opinion at *3.

²³ *State v. Brown*, 2021 WL 5232661, at *3, n.17 (Del. Super. Ct. Nov. 9, 2021); *State v. Vazquez*, 2021 WL 4077812, at *3, n.13 (Del. Super. Ct. Sept. 7, 2021); *State v. Mays-Robinson*, 2021 WL 3666257, at *3, n.15 (Del. Super. Ct. Aug. 18, 2021); *State v. Boddy*, 2021 WL 2454426, at *3, n.16 (Del. Super. Ct. June 16, 2021).

²⁴ 11 *Del. C.* §§ 306(b) and (c).

Second, the rebuttable presumption means that the defendant bears the burden to convince the court that transfer is appropriate. Rodriguez concedes that he bears that burden of proof,²⁵ and thus must convince the court that transfer is appropriate; if he fails in this proof, the motion to transfer will be denied.

Accordingly, the “rebuttable presumption” merely allocates to Rodriguez the burden of coming forward that section 1011 imposes on him, and the burden of persuasion that he concedes he has. Nothing about the “rebuttable presumption” “tilted the playing field” against Rodriguez or increased the amount of evidence that he was required to present to prevail on his Motion to Transfer.

As shown below, the Superior Court correctly exercised its discretion to determine that each of the section 1011 factors weighed against Rodriguez’s Motion to Transfer.

(1) *The nature of the present offense and the extent and nature of the defendant’s prior record.*

The Superior Court noted that Rodriguez is charged with Murder in the First Degree, Assault in the First Degree, and multiple other counts stemming from his having fired multiple gunshots into a crowd of people, killing one person and wounding another.²⁶ The Court found that “The crimes are both violent and serious

²⁵ OB 32.

²⁶ Opinion at *3

in nature.”²⁷ Accordingly, the Court concluded that “the first prong of factor one weighs heavily against transfer.”²⁸

Rodriguez concedes that the nature of the charge against him should weigh against transfer, but contends it should not weigh “heavily” against transfer because he did not intend to kill Ms. Coverdale or anyone else, but rather “indiscriminately and randomly fired back towards the group” involved in the brawl.²⁹ In fact, Rodriguez “indiscriminately” fired ten shots into a swarm of people, killing an innocent bystander who was not in any way involved in the brawl.³⁰ Given the crowd and the number of shots fired, it is fortunate that Rodriguez did not cause even greater injury or death. The Superior Court did not abuse its discretion in finding that the nature of Rodriguez’s crime weighed heavily against transfer.

Rodriguez asserts that the Superior Court’s “more serious” error was in evaluating Rodriguez’s criminal history,³¹ and that the Court “failed to acknowledge that all [of] Angelo’s criminal conduct occurred over a span of two months.”³²

²⁷ *Id.*

²⁸ *Id.*

²⁹ OB 33.

³⁰ Even if Rodriguez did not intentionally kill any individual, firing ten bullets into a crowd of people falls squarely within the definition of Second Degree Murder, which applies when, *inter alia*, “[t]he person recklessly causes the death of another person under circumstances which manifested a cruel, wicked and depraved in difference to human life.” 11 *Del. C.* §635.

³¹ *Id.*

³² *Id.*

Rodriguez’s “two month” assertion is incorrect. Rodriguez’s **2023** crimes occurred over a span of approximately two months. He was then confined at Stevenson House for approximately four months. While he got into two fights during that period, because he was confined, he committed no additional crimes.³³ But soon after his release, he *did* commit additional crimes. He stole a credit card in March 2024; he stole his brother’s gun on May 19, 2024; he illegally carried that stolen firearm on June 9, 2024; and he of course committed the murder for which he is charged later in the day on June 9, 2024.³⁴ Rodriguez’s contention that “the entirety of the prior criminal conduct took place over an eight week period” in 2023 is squarely contradicted by the record.³⁵

Moreover, as the Superior Court properly noted, Rodriguez’s prior crimes were quite serious in nature – they included armed robbery, possession of firearms and theft of a firearm from Rodriguez’s brother. Accordingly, the Superior Court did not “err[] in weighing this factor against Angelo.”³⁶

³³ See p. 17, *supra*.

³⁴ See pp. 12-13, *supra*.

³⁵ OB 34.

³⁶ OB 35.

(2) *The nature of past treatment and rehabilitative efforts and the nature of defendant's response thereto.*

The Superior Court's correctly noted that Rodriguez "was first involved with the Division of Youth Rehabilitative Services ('YRS') on September 26, 2023."³⁷ It noted that between March 1, 2024 and June 10, 2024, Rodriguez was compliant with weekly probation contacts, and that he was referred to the Multi-Systemic Therapy (MST) family and community-based treatment program and attended his sessions with his MST therapist.³⁸ Rodriguez knew he was on probation and would be tested drug use, but as the court noted, Rodriguez tested positive for marijuana in the two drug screens administered by his probation officer.³⁹

As the Superior Court noted, the rehabilitative efforts undertaken with Rodriguez were not successful. Despite Rodriguez telling Dr. Lungren that he had "learned his lesson," he nonetheless continued to smoke marijuana in violation of his probation, as evidenced by the failed drug tests. And, after being on juvenile probation for several months, Rodriguez committed additional crimes, including the theft of his brother's gun, carrying that gun while meeting with friends on June 9

³⁷ Opinion at *4.

³⁸ *Id.*

³⁹ *Id.*

and ultimately, shooting multiple times into a crowd killing one person and striking another.⁴⁰

Based on this evidence, the Superior Court determined that “although the rehabilitative efforts and services were short-lived, they were not successful”, as defendant’s “violent behavior has escalated in a short period of time despite efforts from YRS and the Family Court.”⁴¹ Based on these facts, the Court determined it must weigh the second factor against transferring the charges.⁴²

Rodriguez challenges the Superior Court’s finding, stating that “[w]hat history Angelo had under supervision was mostly positive” and that while on probation, “Angelo performed well in the community.”⁴³ The record does not support these assertions. To be sure, Rodriguez presented well – both Dr. Lungren and Dr. Cooney-Koss found him to be polite and cooperative. But his actual performance while on probation did not match his words – he continued to do what he wanted to do. Despite his claims that he had “learned his lesson,” he continued to smoke marijuana, and he continued to commit crimes, including stealing a credit card, stealing a firearm, illegally carrying a firearm, and eventually committing the murder that is the subject of this proceeding.

⁴⁰ Opinion at *5.

⁴¹ *Id.* at *6.

⁴² *Id.* at *5.

⁴³ OB 35-6.

Rodriguez also argues that YRS’s recommendation of adjudication in the Superior Court did not include analysis of the section 1011 factors because YRS considered only the nature of the present charge⁴⁴, and that Jessica Bryant, Rodriguez’s probation officer “clearly did not share YRS’s view.”⁴⁵ The record belies both these assertions.

The Reverse Amenity Report submitted by YRS summarized Rodriguez’s criminal history and involvement with YRS, and then expressly considered each of the factors set forth in section 1011.⁴⁶ To be sure, the nature of the pending charges against Rodriguez was a critical factor that YRS considered in making its recommendation, but this is not surprising, as section 1011 expressly requires that YRS consider “[t]he nature of the present offense.”⁴⁷

Ms. Bryant testified that if Rodriguez’s charge was a different violent felony – for example, Robbery First Degree Firearm – her recommendation would not be the same.⁴⁸ That is hardly surprising giving the statutory framework; indeed, under section 1010(a)(5), if Rodriguez were charged with Robbery First Degree Firearm, the Superior Court would not even have jurisdiction to hear the case. Nor is it

⁴⁴ OB 36.

⁴⁵ *Id.*

⁴⁶ A413-18.

⁴⁷ 10 *Del. C.* §1011(b).

⁴⁸ A189.

dispositive that Ms. Bryant agreed with Rodriguez's counsel that the "deciding factor" for YRS was that the charge is a murder charge.⁴⁹ If all the other factors failed to lead to a clear recommendation, it is entirely appropriate that the nature of the charge would be the "deciding factor."

Nor does the evidence support Rodriguez's claim that Ms. Bryant did not share YRS's view. Ms. Bryant testified that before making her recommendation, she consulted with her supervisor, her Regional Manager, her Chief and her Director⁵⁰ – the recommendation was not made lightly. Ms. Bryant made clear that the recommendation she submitted was the recommendation of YRS, and not her personal view.⁵¹ In fact, Ms. Bryant was not asked about, and did not testify about, her personal view, and there is no evidence to support Rodriguez's claim that Ms. Bryant did not share the view she expressed in the report that she signed and submitted.

Rodriguez next asserts that there are rehabilitative services that are available to detainees at Ferris that are not available to detainees at adult correctional institutions.⁵² This is true but irrelevant. Rodriguez will be confined at Ferris until his 18th birthday whether his case is adjudicated in the Superior Court or in the

⁴⁹ A189.

⁵⁰ A190.

⁵¹ A198-90.

⁵² OB 37.

Family Court.⁵³ The difference is what will occur after Rodriguez turns 18. If he is adjudicated in the Family Court, he can be confined at Ferris until he turns 19, but after that he must be released into the community, and can be on probation until his 21st birthday.⁵⁴ In contrast, if Rodriguez's adjudication in Superior Court is upheld, on his 18th birthday he will be transferred to an adult correctional facility where he will serve the remainder of his 15-year term.⁵⁵ Accordingly, until his 18th birthday, Rodriguez will be confined at Ferris and will have access to the same rehabilitative services, whether his case is adjudicated in Family Court or in Superior Court.

Finally, Rodriguez asserts that the Superior Court did not credit the recommendation of his expert, Dr. Cooney-Koss.⁵⁶ Of course, in exercising its discretion, the Superior Court was not required to credit or defer to the views of Rodriguez's expert; indeed, to blindly do so would be an abuse of discretion. Rather, the court was required to exercise its independent judgment, informed by the evidence presented to it, including the views of Dr. Cooney-Koss. There is no evidence to suggest that the court did anything other than exactly that.

The court had ample reasons to question the validity of Dr. Cooney-Koss' conclusions. Perhaps most notably, Dr. Cooney-Koss downplayed Rodriguez's past

⁵³ See p. 27, *supra*.

⁵⁴ A195; A207; A346.

⁵⁵ A185; A207-8; 11 *Del. C.* §420A(b).

⁵⁶ OB 38.

criminal conduct, stating that he had a “lack of significant prior criminal involvement.”⁵⁷ Indeed, in recommending transfer to Family Court, Dr. Cooney-Koss opined that “it is very positive that his criminal history is minimal.”⁵⁸ The Opinion notes that Dr. Cooney-Koss expressed this view⁵⁹, but the Superior Court clearly disagreed with it. Rather than finding that Rodriguez’s prior criminal history was “minimal,” it found that Rodriguez prior criminal activities, “including firearms and armed robbery, cause the Court to determine that the second prong [evaluating the Defendant’s prior record] also weighs against transfer.”⁶⁰

The Superior Court had additional reasons to question Dr. Cooney-Koss’ conclusions. Simply put, Rodriguez’s actions did not match his words, yet Dr. Cooney-Koss appeared to consistently credit Rodriguez’s statements while rationalizing the actions that contradicted those statements. For example, Dr. Cooney-Koss credited a statement by Rodriguez that he believed that it was improper to steal and that “you should work for what you get.”⁶¹ Yet it is undisputed that Rodriguez stole repeatedly – he was involved in the theft of two cars; he stole a book bag and presumably the guns that were found inside of it; he stole a classmate’s

⁵⁷ A446.

⁵⁸ A444.

⁵⁹ Opinion at *5.

⁶⁰ *Id.* at *4

⁶¹ A438; A339.

credit card; and he stole his brother's gun. When confronted with this glaring inconsistency, Dr. Cooney-Koss essentially denied reality. As to the credit card theft, she noted that "there were two students that got in trouble for that" and "we don't know the role of the other student in that situation."⁶² As to the stolen gun, Dr. Cooney-Koss testified that "there is no evidence to connect him with that other than being related, so I can't really speak to that."⁶³ But there *was* additional evidence connecting Rodriguez to the stolen gun – the gun brought to the fight on June 9 and used in the shooting was the same gun that Ray Rodriguez had reported as stolen. Rodriguez is the only person linked to both crimes. It is almost certain that Rodriguez brought the gun to the shooting scene after having stolen it from his brother. Indeed, Rodriguez *concedes* that he stole the gun from his brother.⁶⁴

In response to the two auto thefts, Dr. Cooney-Koss could only state, "I think as Angelo very articulately for him said, he wants to do the right thing, but sometimes he has trouble doing the right thing in the moment."⁶⁵

Dr. Cooney-Koss' testimony highlights a deeper problem in her report and opinion – her overall hypothesis is that Rodriguez is basically a good person but has

⁶² A329.

⁶³ *Id.*

⁶⁴ OB 7 ("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 backward towards the crowd.").

⁶⁵ A329.

gotten in trouble because he acts impulsively. Indeed, the word “impulsive” or its derivatives (impulse, impulsively, impulsivity) appear sixteen times in her report. Relatedly, Dr. Cooney-Koss expressed the belief that Rodriguez is remorseful for his impulsive actions⁶⁶ and “genuinely doesn’t want to hurt people.”⁶⁷ But again, Dr. Cooney-Koss’ conclusions are difficult to square with the record, and Dr. Cooney-Koss’ attempts to do so were unconvincing.

For example, the record demonstrates that Rodriguez sent a Snapchat message to Andrew Zamora asking if Zamora could give him a ride. Rodriguez and his accomplice were at the pickup spot armed with knives and then hijacked Zamora’s car at knifepoint.⁶⁸ That was obviously premeditated conduct, not spontaneous or impulsive. When confronted about this, Dr. Cooney-Koss testified that contacting someone for a ride so that he could steal their car at knifepoint does not show planned criminal activity, because “I don’t know what he was instructed to do or what his particular role was”, and “he could have been told by the co-defendant to do it.”⁶⁹

As to whether Rodriguez’s theft of his brother’s gun showed a to plan to commit other criminal activity, Dr. Cooney-Koss rationalized that “he could have been doing it to give it to a peer. He could have been threatened into it. He could

⁶⁶ A424; A439; A440; A446.

⁶⁷ A334.

⁶⁸ A117-18.

⁶⁹ A334.

have thought he was cool and he just wanted to show people. There are many reasons why he could have obtained that weapon that weren't related to shooting someone.”⁷⁰ In fact, that none of these hypothetical rationalizations have any factual support. After Rodriguez stole the gun, he did not give it to a peer or just show it to people; rather, he carried it illegally to a fight on June 9. That was not impulsive conduct in the moment; he chose to bring the gun to the fight and presumably did so for a reason. And, unfortunately, he fired that gun – ten times – killing one innocent person and wounding another.⁷¹

Finally, the only portion of the Risk Sophistication Treatment Inventory in which Rodriguez exhibited high scores compared to his peers was in “Treatment Amenability.”⁷² Dr. Cooney-Koss’ attribution of high scores for Rodriguez’s “Treatment Amenability” were based on her conversation with him in which he indicated that he would be open to making changes in his life.⁷³ Notably,

⁷⁰ A333.

⁷¹ Other evidence bolsters the suggestion that Rodriguez was simply telling Dr. Cooney-Koss what she wanted to hear. For example, Rodriguez told Dr. Cooney-Koss that “after being placed on probation, he stopped smoking [marijuana] because he was receiving urine drug screens.” A429. Rodriguez made this statement to Dr. Cooney-Koss despite his knowledge that he had failed both of the urine drug screens that he had been given during probation.

⁷² A440. Dr. Cooney-Koss’s report states that, in the “Risk for Dangerousness category, “Angelo demonstrated a similar degree of risk as compared to other juvenile offenders” and scored in the “Middle Offender Range.” A438. Rodriguez had low scores in the Sophistication-Maturity category. A439.

⁷³ A342.

Rodriguez’s high score for “Treatment Amenability” was in direct contradiction to Rodriguez’s Personality Assessment Inventory, which showed that Rodriguez “has less interest in treatment as compared to other adolescents.”⁷⁴

As Dr. Cooney-Koss noted in her report, a “unique feature” of the Personality Assessment Inventory “is the fact that it includes four scales used to assess the examinee’s response style in order to determine the validity of their test profile. This entails evaluating whether the individual answered questions in an inconsistent, defensive or exaggerated fashion.”⁷⁵ Even though the “unique feature” of the Personality Assessment Inventory demonstrated that Rodriguez’s was being forthright in giving responses indicating that he was *less amenable* to treatment than most juvenile offenders, Dr. Cooney-Koss discarded this assessment and instead found, based on Rodriguez’s verbal assurances, that he was highly amenable to treatment.

In the circumstances, the Superior Court was well within the proper exercise of discretion in declining to defer to Dr. Cooney-Koss’ recommendations.

⁷⁴ A436-6.

⁷⁵ A435.

(3) *Whether the interests of society and the defendant would best be served by trial in the Family Court or in the Superior Court.*

After considering the evidence presented and the arguments of the parties, the Superior Court concluded:

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's 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.⁷⁶

The Superior Court was assessing an individual whose violent behavior that had "escalated in a short period of time despite efforts from YRS and the Family Court." The court was justifiably concerned that, if the matter were adjudicated in the Family Court, a defendant with a "very troubling" history of escalating violence

⁷⁶ Opinion at *6.

would be released into community at age 19 – even though “community supervision” to date had been wholly unsuccessful.⁷⁷

Rodriguez’s argument concerning this section 1011(b) factor is that the court “misapprehends the potential for rehabilitation in the juvenile justice system.”⁷⁸ Rodriguez argues that “there is plenty of time left on the clock to both temporarily separate Angelo from society and rehabilitate him.”⁷⁹ Rodriguez goes on to argue that “the teenage brain is still in development and will develop and mature into the early 20s” and that studies have shown that “[i]ncarcerating young offenders simply does not work.”⁸⁰

The Superior Court did not rule that Rodriguez is a good candidate for juvenile rehabilitation but that the four years during which Rodriguez can receive treatment if his crimes are adjudicated in Family Court is insufficient for such rehabilitation to occur. Rather, it ruled that in view of all of Rodriguez’s history, including his escalating pattern of violent behavior and the complete failure of past rehabilitative efforts, adjudication in Family Court was not in the interest of society in view of the

⁷⁷ The Opinion does not expressly address Rodriguez’s interests. However, if one accepts Rodriguez’s arguments that “a young adult does not reach full neurological brain development until their mid-20s” and “[u]ntil that point, their behavior will tend to be immature, reckless and impulsive” (OB14), it is arguably not in Rodriguez’s interests that he be released into the community at the age of 19.

⁷⁸ OB 38.

⁷⁹ OB 39.

⁸⁰ OB 41.

limitations of the juvenile justice system. Nothing in Rodriguez's history suggests that this was an improper exercise of discretion.

Rodriguez's argument that "[i]ncarcerating young offenders simply does not work" is one best addressed to the legislature. 10 *Del. C.* §1002(a) and 10 *Del. C.* §1010(a), read together, establish that cases involving young offenders will be adjudicated in Family Court, but that certain cases involving offenders age 16-18 can be adjudicated in the Superior Court, and that for offenders age 12-16, only cases plausibly alleging first or second degree murder or rape can be adjudicated in Superior Court. If the defendant moves to transfer, whether such cases remain in the Superior Court is left to the discretion of the Superior Court judge, taking into account factors set forth in the statute – the nature of the crime and the offender's criminal history, the efficacy of prior rehabilitative efforts, and the interests of the society and the offender.

Rodriguez's argument, taken to its logical end, would require that all juvenile offenders be adjudicated in the Family Court, regardless of the crime they have committed, their criminal history, or the success of past rehabilitative efforts. And he believes that the final factor – the interests of society and the defendant – *always*

favors committing youthful offenders to “age-appropriate rehabilitation interventions” rather than incarceration.⁸¹

The short answer to this argument is that it is not what the legislature has mandated. The legislature requires, in instances like the present, that the Superior Court consider the crime committed, the defendant’s criminal history, past rehabilitative efforts, and the interests of society and the offender, and based on those factors, determine in its discretion whether the juvenile defendant should be adjudicated in Family Court or in Superior Court. Here, the Superior Court considered the required factors and exercised its discretion to determine that that Rodriguez’s crimes should be adjudicated in Superior Court. Rodriguez has failed to demonstrate that the Superior Court abused its discretion in so finding.

⁸¹ AB 42.

CONCLUSION

For the foregoing reasons, this Court should affirm the judgment of the Superior Court.

Respectfully submitted,

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Date: April 2, 2026

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANGELO RODRIGUEZ,)
)
Defendant Below-)
Appellant,)
)
v.) **No. 27, 2026**
)
)
STATE OF DELAWARE,)
)
Plaintiff Below-)
Appellee.)

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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.
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DATE: April 6, 2026