



IN THE SUPREME COURT OF THE STATE OF DELAWARE

LARON WRIGHT,	)	
	)	
Defendant—Below,	)	
Appellant	)	
	)	
v.	)	No. 66, 2026
	)	
	)	
	)	
STATE OF DELAWARE	)	
	)	
Plaintiff—Below,	)	
Appellee.	)	

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF DELAWARE

APPELLANT’S CORRECTED OPENING BRIEF

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NATURE AND STAGE OF PROCEEDINGS

On April 4, 2025, Laron Wright was arrested and charged with Concealed Carry of a Deadly Weapon (hereinafter “CCDW”) and Failure to Use Turn Signal. A1. Mr. Wright was indicted on July 7, 2025. *Id.* The matter proceeded to trial on January 14, 2026. A2.

Following the close of evidence at trial, Mr. Wright moved for judgment of acquittal as to the charge of CCDW. A108-09. Applying the three-part test adopted by this Court in *Griffin v. State*, 47 A.3d 487 (Del. 2012), Mr. Wright argued to the trial court that, under the factual circumstances presented to the jury, the charge of CCDW as applied was unconstitutional under Article 1, Section 20 of the Delaware Constitution. A108-13. The State disagreed, arguing that the *Griffin* test did not afford Mr. Wright the right to carry a firearm in a concealed manner given the facts presented to the jury. A113-18.

The trial court declined to apply the *Griffin* test and denied Mr. Wright’s motion. A122. The trial court reasoned that:

I appreciate your arguments and I appreciate the minutia that you went to in your effort to convince me that it either does or doesn't meet the intermediate scrutiny test, but I think we're at a higher level here. And I think the higher level is that the Supreme Court has said every time that they've addressed this particular constitutional provision, they have said that our amendment is not absolute. And when they say it, they cite every time three or four statutes, and this is one that they say it's not absolute. And I don't think you go through an analysis of the facts of the case to

make the determination as to whether or not the statute is constitutional. I think you have to look at it above that level. And it strikes me that the Supreme Court has clearly said this statute is constitutional, because they give it as an example in every one of the cases they decided on the point. *Id.*

The case was submitted to the jury on January 15, 2026, following the denial of Mr. Wright's motion for judgment of acquittal. A3 The jury found Mr. Wright guilty of CCDW but not guilty of Failure to Use Turn Signal. *Id.* The trial court sentenced Mr. Wright to one year of supervision level V suspended for 1 year of supervision level 2 that same day. *Id.*

This is Mr. Wright's Corrected Opening Brief to his timely filed notice of appeal.

SUMMARY OF ARGUMENT

1. The three-part test adopted by this Court in *Griffin v. State*, 47 A.3d 487 (Del. 2012) requiring a case-by-case analysis of whether a defendant's constitutional right to bear arms under Article 1, Section 20 of the Delaware Constitution authorized them to carry a deadly concealed weapon remains good law. The intermediate scrutiny test required by *Griffin* is consistent with this Court's acknowledgement that the right to bear arms is not absolute. Further, there is no urgent reason or clear manifestation of error that would justify a departure from the *Griffin* Court's holding. In contrast, *Griffin* has continued to be relied upon by Delaware courts in crafting Article 1, Section 20 jurisprudence. Accordingly, the trial court erred in denying Mr. Wright's motion for judgment of acquittal without applying the *Griffin* test, and this matter should be remanded so that the trial court may properly apply *Griffin* in the first instance.

STATEMENT OF FACTS

Thomas Dillion Kashner

Agent Kashner testified that on April 4, 2025, he observed a dark grey Kia (the “Kia”) fail to activate its turn signal. A27. Agent Kashner and another law enforcement officer stopped the vehicle and made contact with the driver, Mr. Wright. A27, 31. As Agent Kashner contacted Mr. Wright, a second person attempted to access the vehicle. A31. This second person advised that Mr. Wright was their Uber driver. A34.

Upon request, Mr. Wright provided all necessary paperwork, including his driver’s license, registration, and proof of insurance to Agent Kashner. A32. Mr. Wright additionally informed Agent Kashner that he was an Uber driver and that he rented the Kia from Uber for that purpose. A32-33. Agent Kashner then requested that Mr. Wright exit the vehicle because Agent Kashner believed he smelled marijuana coming from the Kia. A101. No marijuana was ever found in the vehicle or on Mr. Wright’s person.

Once Mr. Wright exited the vehicle, Agent Kashner asked if Mr. Wright had a firearm in the vehicle, if Mr. Wright possessed a permit to carry a concealed weapon, and if he could conduct a consent search of the Kia. A36-38. Mr. Wright denied having a firearm in the vehicle, denied having a concealed carry permit, and denied Agent Kashner consent to search. *Id.*

While the other law enforcement officer present “conduct[ed] the business for a traffic stop, which is run the registration and things of that nature,” Agent Kashner peered through the passenger windows and windscreen of the Kia. A36, 40-41. While looking into the interior of the Kia, Agent Kashner spotted and subsequently recovered a handgun from underneath the driver’s seat. A41-44. Agent Kashner then arrested Mr. Wright for Concealed Carry of a Deadly Weapon and Failure to Use Turn Signal. A49.

Laron Wright

Mr. Wright testified that, at the time of his arrest, he had been working as an Uber driver for about eight years. A68. Mr. Wright testified that his job was to drive to where the Uber mobile application directed him, pick up the strangers who had requested the ride, and drive them to the destination provided by the application. A68-69. Mr. Wright testified that at the time of his arrest, he was aware of several robberies and shootings involving Uber drivers and was concerned for his and his passenger’s safety. A69. To mitigate those safety concerns, Mr. Wright kept his legally acquired firearm on the floorboard of the Kia by his feet. A69-71. Mr. Wright testified that he kept the firearm at his feet because he “didn’t want to shake up any customers getting in the car” and “didn’t want to make anybody nervous.” A71.

Mr. Wright testified that on April 4, 2025, he was working as an Uber driver when he was pulled over by Agent Kashner for a traffic violation. A71-72. Mr. Wright testified that once he was asked out of the vehicle, he was hesitant to answer Agent Kashner's questions because he believed Agent Kashner was "up to no good" and was "fishing for something." A73. Mr. Wright testified that he did not trust Agent Kashner because Mr. Wright knew there was no marijuana in his vehicle and that the smell of marijuana "is an excuse that cops use all the time to be able to have proximate cause to search somebody's vehicle." A95-97.

I. THE TRIAL COURT ERRED WHEN IT FAILED TO APPLY THIS COURT’S DECISION IN *GRIFFIN V. STATE* TO DETERMINE WHETHER, GIVEN THE EVIDENCE PRESENTED TO THE JURY, MR. WRIGHT WAS AUTHORIZED BY ARTICLE 1, SECTION 20 OF THE DELAWARE CONSTITUTION TO CARRY A CONCEALED DEADLY WEAPON.

Question Presented

Did the trial court err when it failed to apply the three-part test adopted by this Court in *Griffin v. State*, 47 A.3d 487 (Del. 2012) and argued by both Mr. Wright and the State in denying Mr. Wright’s motion for a judgement of acquittal as to the charge of CCDW? A8-11.

Scope of Review

Questions of law and constitutional claims are decided *de novo*.¹

Merits of Argument

Over a decade ago, this Court in *Griffin v. State* adopted a three-part test to determine on a case-by-case basis whether Delaware’s CCDW statute is unconstitutional under Article 1, Section 20 of the Delaware Constitution as applied.² *Griffin* remains good law. Accordingly, the trial court’s failure to apply the *Griffin* test requires that Mr. Wright’s conviction of CCDW be reversed and the

¹ *Bridgeville Rifle & Pistol Club, Ltd. V. Small*, 176 A.3d 632, 640 (Del. 2017) (quoting *Doe v. Wilmington Housing Authority*, 88 A.3d 654, 661 (Del. 2014))

² *Griffin v. State*, 47 A.3d 487, 491 (Del. 2012).

matter be remanded so that *Griffin* may be properly applied to the evidence presented to the jury in Mr. Wright's trial.

In *Griffin*, this Court considered whether Delaware's CCDW statute was unconstitutional as applied to the particular facts of defendant Mr. Griffin's case.³ The *Griffin* Court looked to the Wisconsin Supreme Court's decision in *State v. Hamden*⁴ for guidance.⁵ In *Hamden*, the owner of a grocery store was convicted of CCDW for keeping a gun concealed under the counter near the cash register of the store.⁶ The Wisconsin court adopted a three-part test to decide whether the CCDW was unconstitutional under the Wisconsin right to bear arms as applied to the store owner.⁷ The *Hamden* test required that:

First, the court must compare the strength of the state's interest in public safety with the individual's interest in carrying a concealed weapon. Second, if the individual interest outweighs the state interest, the court must determine, "whether an individual could have exercised the right in a reasonable, alternative manner that did not violate the statute." Third, the individual must be carrying the concealed weapon for a lawful purpose.⁸

³ *Id.* at 489.

⁴ *State v. Hamden*, 665 N.W.2d 785 (Wis. 2003).

⁵ *Griffin*, 47 A.3d at 490.

⁶ *Id.*

⁷ *Id.* at 490-91.

⁸ *Id.* (citing *Hamden*, 665 N.W.2d at 808).

The *Griffin* Court adopted this test, reversing and remanding the matter before it so that a jury could determine a factual issue necessary for the determination of the constitutional issue.⁹

This Court has not reversed *Griffin*. Rather Delaware courts have relied upon the *Griffin* Court's reasoning in developing Delaware's Article 1, Section 20 jurisprudence. In *Doe v. Wilmington Housing Authority*¹⁰, this Court cited *Griffin* in support of its holding that intermediate scrutiny was the appropriate level of review in an Article 1, Section 20 challenge of a Wilmington Housing Authority policy generally prohibiting residents from carrying firearms in common areas.¹¹ This Court cited to *Griffin* in its decision in *Bridgeville Rifle & Pistol Club, Ltd. v. Small*.¹² Further, the Superior Court cited *Griffin* as controlling authority in the recent *Birney v. Delaware Department of Safety and Homeland Security*¹³ decision, describing *Griffin* as “the Delaware Supreme Court's first decision articulating a standard of review for claims pertaining to Section 20.”

⁹ *Id.* at 490, 492 (“We agree with the Wisconsin court’s analysis, and adopt the *Hamden* test.”).

¹⁰ *Doe v. Wilmington Housing Authority*, 88 A.3d 654 (Del. 2014).

¹¹ *Id.* at 665-666.

¹² *Bridgeville Rifle & Pistole Club, Ltd. v. Small*, 176 A.3d 632, 652 (Del. 2017) (citing *Griffin*, 47 A.3d at 488).

¹³ *Birney v. Delaware Department of Safety and Homeland Security*, 345 A.3d 1037, 1048 (Del. Super. 2025) (citing *Doe*, 88 A.3d at 665).

This Court’s holding that the right to bear arms is not absolute has not abrogated its decision in *Griffin*. An intermediate scrutiny test like the one adopted in *Griffin*, which limits the right to bear arms to circumstances in which the individual interest in carrying a concealed weapon is high, by its nature does not provide an absolute right.¹⁴ The *Griffin* court itself acknowledged that the right to bear arms was not absolute while adopting intermediate scrutiny review.¹⁵

Because the trial court failed to apply the *Griffin* test and therefore failed to make the factual findings from the trial evidence required for the three-part test’s application, reversal of Mr. Wright’s CCDW conviction and remand to the trial court is necessary to remedy the error in this matter.¹⁶

¹⁴ See *Griffin*, 47 A.3d at 491-92 (holding that Griffin's constitutional right to bear arms authorized his carrying a concealed knife in his home only if he did not fail to reveal the weapon to police during a domestic disturbance).

¹⁵ *Doe*, 88 A.3d at 667 (“Although the right to bear arms under the Delaware Declaration of Rights is a fundamental right, we have already held that it is not absolute.” (citing *Griffin*, 47 A.3d at 488)).

¹⁶ See *Griffin*, 47 A.3d at 491-92; see also *Davis v. State*, 2023 WL 7382873, at *4 (Del. 2023) (“Here, the trial court did not explain its legal rationale for denying Davis's state constitutional claim. That failure was an abuse of discretion. Not only this, but without the court's legal rationale, we cannot discern the extent to which factual determinations were required to fairly adjudicate Davis's motion. . . . We rightfully commit factual inquiries of this nature to the experience and expertise of our trial courts.”).

CONCLUSION

For the reasons and upon the authorities cited herein, Mr. Wright's conviction of CCDW should be reversed and this matter remanded for the proper application of the *Griffin* test.

Respectfully submitted,

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