



IN THE SUPREME COURT OF THE STATE OF DELAWARE

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

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF DELAWARE

STATE'S ANSWERING BRIEF

Date: June 4, 2026

Andrew R. Fletcher (# 6612)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500

TABLE OF CONTENTS

	Page
Table of Citations	ii
Nature of Proceedings	1
Summary of Argument	3
Statement of Facts	4
Argument.....	10
I. THE SUPERIOR COURT PROPERLY DECLINED TO APPLY THE THREE-PART TEST THAT THIS COURT ADOPTED IN <i>GRIFFIN V. STATE</i> AND DENIED HIS MOTION FOR JUDGMENT OF ACQUITTAL	10
A. <i>Hamdan</i> and <i>Griffin</i>	11
B. Wright’s Motion for Judgment of Acquittal	15
C. The Superior Court did not err by declining to apply the three parts of the <i>Griffin</i> test	18
D. Alternatively, the three-part <i>Griffin</i> test favors the State when applying it to the uncontested facts of this case	25
Conclusion	30

TABLE OF CITATIONS

CASES

PAGE

<i>Buchanan v. State</i> , 981 A.2d 1098 (Del. 2009)	20
<i>Doe v. Wilmington Housing Authority</i> , 88 A.3d 654 (Del. 2014)	10, 16, 19
<i>Griffin v. State</i> , 47 A.3d 487 (Del. 2012)	<i>passim</i>
<i>Hardman v. State</i> , 2024 WL 3886191 (Del. Aug. 21, 2024).....	24, 25, 26
<i>State v. Cole</i> , 665 N.W.2d 328 (Wis. 2003)	20
<i>State v. Fisher</i> , 714 N.W.2d 495 (Wis. 2006)	20, 21, 22, 23, 24
<i>State v. Hamdan</i> , 665 N.W.2d 785 (Wis. 2003)	<i>passim</i>

STATUTES AND RULES

11 <i>Del. C.</i> § 1442	19
--------------------------------	----

OTHER AUTHORITIES

Del. Const. art. I § 20	17, 19
-------------------------------	--------

NATURE OF THE PROCEEDINGS

On July 7, 2025, a New Castle County grand jury indicted Laron Wright on charges of Carrying a Concealed Deadly Weapon (“CCDW”) and Failure to Use Turn Signal.¹

On January 14, 2026, a jury trial commenced in the Superior Court.² Following the close of evidence, Wright moved for judgment of acquittal on the CCDW charge.³ He argued that the Superior Court must apply a three-part test that this Court applied in *Griffin v. State*⁴ to the facts of his case; in doing so, find that his interest in carrying a concealed firearm in his motor vehicle for the purpose of self-defense as an Uber driver outweighed the State’s interest in restricting concealed firearms in motor vehicles; and, accordingly, grant his motion for judgment of acquittal.⁵ The court declined to apply the three-part test, finding that this Court has consistently held that the restriction on carrying a concealed deadly weapon in the context of a motor vehicle is constitutional and that *Griffin* did not apply to the facts of the case, and denied the motion.⁶

¹ A5-A6.

² A3.

³ A108-13.

⁴ 47 A.3d 487, 490 (Del. 2012) (applying a three-part test adopted from a Wisconsin Supreme Court case to determine whether the defendant’s interest in carrying a concealed deadly weapon in his own home outweighed the State’s interest in restricting the carrying of a concealed deadly weapon).

⁵ A110-13.

⁶ A113.

The jury found Wright guilty on the CCDW charge and not guilty of the Failure to Use Turn Signal charge.⁷ The Superior Court sentenced Wright for CCDW to 5 years at Level V, suspended for 1 year at Level II.⁸

Wright appeals the Superior Court's denial of his motion for judgment of acquittal, arguing that the court erred by not applying the *Griffin* three-part test. This is the State's Answering Brief.

⁷ A3.

⁸ Supr. Ct. D.I. 1.

SUMMARY OF THE ARGUMENT

- I. DENIED. The Superior Court did not err when it declined to apply the *Griffin* three-part test in order to determine whether Wright's interest in concealing a firearm in his Uber car outweighed the State's interest in restricting the concealment of firearms in motor vehicles. *Griffin* is distinguishable from this case. In *Griffin*, this Court applied the three-part test in the context of carrying a concealed deadly weapon in the defendant's home. Here, Wright's firearm was concealed in his vehicle, not his home. Alternatively, even if this Court were to apply the three-part *Griffin* test to the facts of this case, it would favor the State and show that the State's interest in restricting concealed firearms in motor vehicles outweighed Wright's interest in concealing his firearm in his vehicle.

STATEMENT OF FACTS

On April 4, 2025, at approximately 3:30 p.m., Officer Thomas Dillon Kashner of the Newport Police Department was operating his unmarked Chevrolet Tahoe police vehicle in New Castle County, Delaware.⁹ Patrolman Shane Smith was in the patrol vehicle with Officer Kashner.¹⁰ The officers observed a dark grey Kia with Massachusetts's tags fail to activate its turn signal in violation of Delaware law; the officers then activated its emergency equipment and initiated a traffic stop of the Kia.¹¹ The stop took place at the entrance to the Boxwood Road Amazon facility.¹² Wright was the operator and sole occupant of the Kia, but a second person was attempting to enter the Kia.¹³ Wright was employed by the rideshare company Uber, and the second person was identified as a client of Uber attempting to get a ride from Wright.¹⁴

Officer Kashner was wearing his “police department uniform which consist[ed] of a black polo shirt with [the police department’s] identifier on [the] sleeve as well as a black exterior vest that mark[ed] the agency [Officer Kashner] work[ed] for, with [his] badge, [his] name. and a pair of brown or khaki pants.”¹⁵

⁹ A25-27.

¹⁰ A27.

¹¹ A27-29.

¹² A33.

¹³ A31.

¹⁴ A34.

¹⁵ A30.

Officer Kashner exited his patrol vehicle; approached the driver's side of the Kia; stood at the driver's side window inches from Wright; informed Wright of the reason for the stop; requested Wright's driver's license, registration, and proof of insurance; and, upon learning that the Kia was a rental, requested the rental documents.¹⁶ Patrolman Smith approached the passenger side of the Kia.¹⁷

Wright provided his valid driver's license to Officer Kashner.¹⁸ But initially he was unable to find his insurance information.¹⁹ Officer Kashner asked Wright to step out of the Kia, and Wright exited the Kia.²⁰ Officer Kashner then told Wright that he believed he had smelled marijuana from inside the Kia; Wright denied having marijuana.²¹ Officer Kashner asked Wright if there was a firearm in the Kia and if Wright had a concealed carry permit. Wright denied having a firearm in the Kia and denied having a concealed carry permit.²² Officer Kashner asked Wright if he could search the Kia, and Wright declined to give consent.²³ Officer Kashner determined that Wright did not exhibit any indicators that he was under the influence of marijuana.²⁴

¹⁶ A32.

¹⁷ A33.

¹⁸ A31-32.

¹⁹ A35.

²⁰ A35.

²¹ A75, A96-97, A99-100, A101-03.

²² A36-38, A73.

²³ A38-39.

²⁴ A105-06.

At some point, Patrolman Smith had returned to the patrol vehicle.²⁵ Officer Kashner then also returned to the patrol vehicle and told Patrolman Smith, who was then sitting in the patrol vehicle, to start the process of issuing a warning to Wright for the failure to use a turn signal.²⁶ Wright was left unsecured and was able to walk around.²⁷ Officer Kashner testified that Wright walked over to him while he was standing at the passenger side of Patrolman Smith's door.²⁸

Officer Kashner then returned to the outside of the Kia and looked through the windows.²⁹ Wright offered to remove a camera bag from the Kia, and Officer Kashner found this request to be odd because he had not asked Wright to remove the camera bag.³⁰ As Officer Kashner stood by the A frame of the Kia, he observed a portion of a firearm that was concealed beneath the driver's seat.³¹ After donning a pair of sterile rubber gloves in preparation to recover the firearm, Officer Kashner pulled the firearm from underneath the driver's seat.³² Officer Kashner observed

²⁵ A36.

²⁶ A38-39, A101-02.

²⁷ A37-39, A101-03.

²⁸ A39.

²⁹ A40.

³⁰ A40, A75-76.

³¹ A41-43, A54-55.

³² A44.

that it had a serial number, and he collected the firearm.³³ No other contraband was found in the Kia.³⁴

The firearm, which was legally owned by Wright, was a black and silver Taurus 9-milimeter handgun that was loaded with twelve live rounds of nine-millimeter ammunition.³⁵ Officer Kashner later testified that nothing would have been blocking Wright's access to the firearm, that it had been easily accessible to Wright, and that the firearm was not observable from where Officer Kashner had been standing when he first approached the vehicle.³⁶

Wright testified that on the day of the incident he was an Uber driver and that he had been an Uber driver for seven or eight years.³⁷ He explained that his work for Uber entailed:

You just go on the Uber app and you turn it on. And if a ride needs a – customer needs a ride, it will pop up on your screen. It's up to you to accept it or decline it.³⁸

Uber's policy on safety, which Wright read into evidence during cross examination, stated:

³³ A43-46.

³⁴ A56.

³⁵ A44-46, A55, A61.

³⁶ A50.

³⁷ A32-33, A68, A77-78.

³⁸ A68-69.

Our goal is to ensure that everyone has a safe and reliable ride. That's why Uber prohibits riders and their guests as well as driver and delivery partners from carrying firearms of any kind while using our app.³⁹

Wright stated that he had safety concerns about Uber because “in Philadelphia there was two or three incidents” where he thought that “riders were getting shot and robbed...”⁴⁰ Wright testified that to mitigate his safety concerns he carried his firearm in his Uber vehicle “just to be safe,” not just for himself but “[f]or customers as well.”⁴¹ Wright admitted during cross examination that he had violated Uber's policy by having a firearm in the vehicle while picking up Uber customers.⁴²

Wright had bought the firearm at Cabela's several years prior to the incident.⁴³ He testified that he is left-handed, he looked for a left-handed holster, he could not find a left-handed holster, and he eventually stopped looking for a holster.⁴⁴ Wright testified that he kept the firearm on the floorboard by his foot because he “didn't want to shake up any customers getting in the car” and he “didn't want to make anybody nervous.”⁴⁵ He explained that passengers generally sit in the back seat on

³⁹ A79.

⁴⁰ A69.

⁴¹ A69-70.

⁴² A84.

⁴³ A80.

⁴⁴ A81-83.

⁴⁵ A71.

the passenger side, but on occasion they sit in the front seat.⁴⁶ Wright admitted that he had the firearm concealed.⁴⁷

At trial, Wright explained that he told Officer Kashner that he did not have a firearm because he “didn’t trust Kashner.”⁴⁸ Although he had never met Officer Kashner before, Wright explained that after being pulled over his “first thought” was that the “cop was up to no good” and that he “couldn’t trust him.”⁴⁹ Wright believed that Officer Kashner “was fishing for something”⁵⁰ When testifying about Officer Kashner asking him about the smell of marijuana, Wright explained that he “felt very disrespected” and that he “knew [Officer Kashner] was still up to no good, because that’s an excuse that cops use all the time to be able to have proximate [sic] cause to search somebody’s vehicle.”⁵¹

⁴⁶ A71.

⁴⁷ A91.

⁴⁸ A91.

⁴⁹ A73, A91.

⁵⁰ A73.

⁵¹ A96-97.

ARGUMENT

I. THE SUPERIOR COURT PROPERLY DECLINED TO APPLY THE THREE-PART TEST THAT THIS COURT ADOPTED IN *GRIFFIN V. STATE* AND DENIED HIS MOTION FOR JUDGMENT OF ACQUITTAL.

Question Presented

Whether the Superior Court was required under law to apply the three-part test this Court adopted in *Griffin v. State* and grant his motion for judgment of acquittal under that test.⁵²

Standard and Scope of Review

Questions of law and constitutional claims are decided *de novo*.⁵³

Merits of the Argument

Wright contends that the Superior Court erred in denying his motion for judgment of acquittal without conducting a three-part test that this Court adopted in *Griffin v. State*, which this Court in *Griffin* utilized to determine whether the rights of the defendant in that case were violated when he was charged with concealing a deadly weapon inside his own home.⁵⁴ As Wright points out, this Court in *Griffin* adopted the test from the Wisconsin Supreme Court's decision in *State v. Hamden*.⁵⁵

⁵² *Griffin*, 47 A.3d 487.

⁵³ *Doe v. Wilmington Housing Authority*, 88 A.3d 654, 661 (Del. 2014).

⁵⁴ *Griffin*, 47 A.3d at 490.

⁵⁵ *State v. Hamdan*, 665 N.W.2d 785 (Wis. 2003).

As will be discussed later, Wright's argument is without merit. But before addressing Wright's argument, this Brief will outline the *Hamden* and *Griffin* decisions.

A. *Hamdan* and *Griffin*

In the 2003 Wisconsin case *Hamdan*, the defendant was a shop owner who kept a firearm under the counter in his shop.⁵⁶ The shop was located in a high-crime area, having been the location of multiple violent incidents, including armed robberies and homicides.⁵⁷ The shop owner had previously been a victim of crime, including an incident where an assailant held a gun to his head, which misfired, and another where he shot and killed a robber in self-defense.⁵⁸ Due to these safety concerns, the shop owner kept a concealed firearm for protection.⁵⁹ Police officers became aware of the concealed firearm, and the shop owner was later arrested for CCDW.⁶⁰ The shop owner argued that the Wisconsin CCDW statute was unconstitutional as applied to him because he had a right to carry a firearm for protection but that openly carrying a firearm in his place of business would have been unreasonable, as it could frighten customers.⁶¹

⁵⁶ *Id.* at 789.

⁵⁷ *Id.* at 791.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 789.

⁶¹ *Id.* at 809.

The Wisconsin Supreme Court held that Wisconsin's concealed weapons statute is a constitutional restriction on the manner in which firearms are possessed and used, and the court further noted that "only if the public benefit in this exercise of the police power is substantially outweighed by an individual's need to conceal a weapon in the exercise of the right to bear arms will an otherwise valid restriction on that right be unconstitutional as applied."⁶² The *Hamdan* court created a three part test for deciding, on a case-by-case basis, whether the CCDW statute is unconstitutional as applied:

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.⁶³

Applying the test to the shop owner, the court found: (1) in light of the clear danger, the shop owner's interest in having a concealed weapon in his place of business for protection outweighed the State's interest in enforcing the CCDW statute; (2) the shop owner had no reasonable means to openly carry the weapon because it would have been bad for his business; and (3) the shop owner was carrying the concealed

⁶² *Id.* at 800.

⁶³ *Griffin*, 47 A.3d at 490–91 (citing *Hamdan*, 665 N.W.2d at 798-808).

weapon for the legal purpose of self-defense.⁶⁴ As such, the court found that the CCDW as applied to the shop owner was unconstitutional.⁶⁵

In the 2012 Delaware case, *Griffin*, the defendant Griffin was involved in a domestic dispute at the home he shared with his girlfriend, where he was unpacking boxes using a knife.⁶⁶ When police arrived in response to a call, Griffin was in the basement with the lights out, listening to music and drinking beer.⁶⁷ His girlfriend informed the police officers that Griffin might have a knife.⁶⁸ After being called upstairs by the police, Griffin was handcuffed and removed from the house, with a scuffle between Griffin and the officers taking place outside.⁶⁹ The knife was purportedly discovered when Griffin changed into a hospital gown after being transported to the hospital.⁷⁰ There was conflicting testimony about whether Griffin had informed the police about the concealed knife while still within Griffin's home.⁷¹ The police officers claimed that they asked Griffin, while he was still in his house, whether he had a knife and that Griffin denied having the knife.⁷² Griffin claimed

⁶⁴ *Hamdan*, 665 N.W.2d at 810-12.

⁶⁵ *Id.*

⁶⁶ *Griffin*, 47 A.3d at 489.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

that he informed the officers while he was still in the house that he had the knife on him.⁷³ Griffin was subsequently found guilty of CCDW and appealed.⁷⁴

The first issue this Court had to decide was whether Griffin had a constitutional right to carry a concealed knife *in his home*, despite the CCDW statute. This Court found the Wisconsin court's decision in *Hamdan* to be "instructive" and adopted the three-part test from *Hamdan* for determining whether the prosecution of Griffin for CCDW was constitutional in the context of when Griffin was in his own home.

In applying the three-part test, this Court found that Griffin had a constitutional right to carry the concealed knife in his home under the circumstances. First, this Court found that interest was strong as he was "in his home, using a knife to carry out the everyday household activity of opening a box."⁷⁵ Second, this Court found that it would be unreasonable to "restrict the manner in which one could carry a legal weapon from room to room within one's home...."⁷⁶ Third, it was undisputed that Griffin was using the knife for a legal purpose—cutting boxes.⁷⁷

This Court then concluded:

[...] Griffin's constitutional right to bear arms authorized his carrying a concealed knife in his home. But that does not end the inquiry. When

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* at 491.

⁷⁶ *Id.*

⁷⁷ *Id.*

the police confronted Griffin at the top of the basement stairs, they asked whether he had a knife. At that point, the balance between his interest in carrying a concealed weapon in his home and the State's interest in public safety shifted in favor of the State. Griffin was no longer using the knife for household purposes, and his failure to reveal that he was carrying a weapon could have represented a serious threat to both the police and his girlfriend.

Griffin says he told the police that the knife was in his pant leg. The police say he told them the knife was in the basement. If the jury believes Griffin, he cannot be convicted for CCDW. He was entitled to be carrying the concealed knife in his home, and he revealed the knife's concealed location when asked by the police. Griffin was unable to remove the knife from his pant leg because he was handcuffed, and he did not voluntarily leave his home while carrying the weapon. If, instead, the jury believes the police, then Griffin was subject to prosecution for CCDW. Although he may not have had an unlawful purpose for continuing to conceal the weapon, he no longer had a constitutionally protected right to do so.

At trial, the jury was not instructed to decide whether Griffin was given the opportunity to disclose that he was carrying the knife, and, if so, whether he did so truthfully. Under the specific circumstances of this case, those factual findings will determine whether Griffin can be convicted of CCDW.⁷⁸

This Court then reversed and remanded for a new trial.⁷⁹

B. Wright's Motion for Judgment of Acquittal

In his motion for judgment of acquittal, Wright argued:

Moving on to the substantive argument. It would be under *Griffin's* three-prong test as applied challenges to CCDW. In *Griffin*, the intermediate standard of scrutiny was applied. And it actually took that test from a Wisconsin case called *State v. Hamdan*. In *State v. Hamdan*, the store owner had a shotgun underneath his store counter. Officers

⁷⁸ *Id.* at 491-92.

⁷⁹ *Id.* at 492.

came in. They found the shotgun. They charged him and attempted to have him convicted for CCDW. The test itself – Your Honor has read the test, so I will not repeat it.

Wright then addressed the three prongs, starting with the first:

In this case, the test when it comes to balancing the interest of the State versus Mr. Wright in this case, I would say that this is in many ways similar to the man who has a gun under his counter protecting his business. Mr. Wright is an operator of a Uber. He goes around in public. He has the gun there to protect himself from the public. He works in a manner in which random people – as he testified to, random people can come to him at any time and that there have been multiple robberies and shootings. I would argue that interest is high. Now, I will acknowledge, of course, that he's not in his home or business, which was relevant in *Griffin*. But in *Doe v. [Wilmington Housing Authority]* [...] [t]he Court said specifically that the Delaware Constitution is not – the article – the right to bear arms is not limited to a house, so I don't think that's controlling by itself. While I will say that the State obviously does have the generalized interest in safety, I think in this case where the gun remained in his property, the car, was for the specific purpose of protecting his business and was – only as far as the evidence introduced here today was for that purpose that Mr. Wright's interest outweighs the State's interest with respect to Prong 1.⁸⁰

Wright moved on to the second prong and third prong:

The second prong would be Prong 2, whether or not he did it in the – let me – I apologize, Your Honor. If there was – whether an individual could exercise the right in a reasonable alternative manner that did not violate the statute. I would cite back to *Hamdan*, again, which is a case cited by *Griffin*. In that one he said, you know, he doesn't need to put his gun on top of the counter. In fact, I'll quote it.

[...]

⁸⁰ A110-12.

In *Hamdan*, the Court found there that it was that he passed that test. He didn't have to do it in a different manner. It was unreasonable to expect him to effectively carry a gun around in front of his customers and frighten them off, and that basically would make his business unreasonable. Similarly, you heard Mr. Wright testify here today that obviously a gun on top of the seat would make his business unreasonable; that other people would be worried. He would not be able to protect himself, which is the third prong, which is that he was doing it for a legal purpose.

There's no evidence today that Mr. Wright used his gun for any illegal purpose. He was using it as self-protection. That has been his testimony. I don't think that's disputed. That's protected obviously under Article 1, Section 20 of the Delaware Constitution. Self-protection is right in there. And so because of that, I think Mr. Wright meets all three prongs, that the statute as applied to him is unconstitutional, and that he should be granted judgment of acquittal, respectfully...⁸¹

The State argued that the cases cited by Wright were distinguishable.⁸² *Griffin* concerned concealing a deadly weapon in one's home and *Hamdan* concerned concealing a deadly weapon in one's stationary business, while Wright's case concerns concealing a deadly weapon in his automobile.⁸³ The State argued that the United States Supreme Court has consistently treated automobiles differently, pointing out that automobiles are mobile and that Wright's firearm in his vehicle posed a greater risk to police officers conducting traffic stops.⁸⁴ The State then argued that even if the three-part test were applied, Wright could not win, as firearms

⁸¹ A112-13.

⁸² A115, A118.

⁸³ A115, A118.

⁸⁴ A115, A118.

in automobiles present high risks to police officers conducting traffic stops, Wright did not need to conceal the weapon for self-defense as he indicated that he could have worn a holster, and Wright was not carrying the firearm legally as it violated Uber's policy.⁸⁵

The Superior Court declined to fully apply the *Griffin* test and denied Wright's motion, finding that this Court has consistently held that the restriction on carrying a concealed deadly weapon in the context of a motor vehicle is constitutional and that *Griffin* did not apply to the facts of the case.⁸⁶

On appeal, Wright argues that the court erred by not applying the three parts of the *Griffin* test to his case. This argument is without merit for the following reasons.

C. The Superior Court did not err by declining to apply the three parts of the *Griffin* test

The Superior Court did not err by declining to apply the three parts of the *Griffin* test because it is distinguishable to the facts of this case. *Griffin* concerned carrying a concealed weapon in one's house, not in one's automobile where the State's interest in the CCDW statute is significantly higher.

⁸⁵ A115, A118.

⁸⁶ A122.

Under Article I, Section 20 of the Delaware Constitution “[a] person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.”⁸⁷ This Court has recognized that this right “is not absolute.”⁸⁸ “By its terms, Article I, Section 20 does not ‘entitle a person to conceal the weapon he carries,’ and “[u]nder 11 *Del. C.* § 1442, ‘[a] person is guilty of carrying a concealed deadly weapon when the person carries concealed a deadly weapon upon or about the person without a license to do so....’”⁸⁹ Regardless, this Court in *Griffin* held that Article I, Section 20 “does allow a person to carry a concealed deadly weapon in his home, under certain circumstances.”⁹⁰

In *Griffin*, this Court applied the three-part test outlined in *Hamdan* for the sole purpose of determining “whether a person may be convicted of carrying a concealed deadly weapon in his home.”⁹¹ This Court in *Griffin* did not apply the three-part test in the context of a concealed deadly weapon in a motor vehicle.⁹² The focus on the home in *Griffin* reflected this Court’s prior cases that “recognized and found no legislative intent [...] to invalidate laws [...] prohibiting (with certain

⁸⁷ Del. Const., Art. 1, § 20.

⁸⁸ *Griffin*, 47 A.3d at 488.

⁸⁹ *Id.* at 489-90.

⁹⁰ *Id.* at 488.

⁹¹ *Id.* at 488.

⁹² See *Doe v. Wilmington Hous. Auth.*, 88 A.3d 654, 665–66 (Del. 2014) (“In *Griffin v. State*, this Court applied the three-part analysis adopted from the Wisconsin Supreme Court’s decision in *State v. Hamdan*, in deciding whether an individual has a right to carry a concealed deadly weapon in the home.”).

exceptions) the carrying of a concealed deadly weapon *outside the home* without a license.⁹³ “The legislative intent [of CCDW], as this Court has held, ‘was to remove the ‘temptation and tendency’ to use concealed deadly weapons under conditions of ‘excitement’,”⁹⁴ and, as the Wisconsin Supreme Court (a court to which Wright repeatedly cites) has explained, the conditions of motor vehicle travel, in which police officers frequently interact with motorists, create “a greater overall risk” to officers when deadly weapons are concealed in motor vehicles.⁹⁵ Wright fails to cite any case law in which this Court found the CCDW statute when applied in the context of a motor vehicle to be unconstitutional, nor has he provided case law in which this Court applied the three factors of the *Griffin* test to the concealment of a firearm in a motor vehicle during a traffic stop.

Wright attempts to force the applicability of the three-part *Griffin* test to the facts of his case by arguing that: (1) this Court in *Griffin* adopted the test from *Hamdan*, (2) *Hamdan* concerned carrying a concealed deadly weapon to protect a business, and (3) Wright was protecting his Uber business with a concealed deadly weapon like the defendant in *Hamdan* was protecting his shop’s business. But the Wisconsin Supreme Court in *Hamdan* did not hold that the defendant had the right

⁹³ *Id.* at 667 (emphasis added).

⁹⁴ *Buchanan v. State*, 981 A.2d 1098, 1103 (Del. 2009).

⁹⁵ *State v. Fisher*, 714 N.W.2d 495, 502 (Wis. 2006). *See also*, *State v. Cole*, 665 N.W.2d 328, 346 (Wis. 2003).

to carry a concealed deadly weapon to protect his business in an automobile; instead, it held that the defendant, under the specific facts of the case, had a right to carry a concealed firearm in his shop, which was a stationary place of business, for his protection.⁹⁶ In contrast, Wright, in his motion for judgment of acquittal, explicitly conceded that he was “not in his home or business” when he concealed his firearm.⁹⁷ And Wright has not shown that a motor vehicle used for Uber qualifies as a place of business in the same sense as the shop in *Hamdan*.

Indeed, subsequent to *Hamdan*, the Wisconsin Supreme Court has distinguished carrying a concealed firearm in an automobile, even if used for business, from carrying a concealed firearm in a stationary place of business. In *State v. Fisher*, the Wisconsin Supreme Court gave a narrower reading of the *Hamdan* holding and held that “only in *extraordinary circumstances* will an individual carrying a concealed weapon in a vehicle be able to demonstrate that his or her interest in the right to keep and bear arms for security substantially outweighs the state’s interest in prohibiting that individual from carrying a concealed weapon in his or her *motor vehicle*.”⁹⁸ The court explained that in the context of CCDW, a motor vehicle used in a business is different than a stationary place of business,

⁹⁶ *Hamdan*, 665 N.W.2d at 806-12.

⁹⁷ See A111. (“Now, I will acknowledge, of course, that he’s not in his home or business, which was relevant in *Griffin*.”).

⁹⁸ *Fisher*, 714 N.W.2d at 502-03 (emphasis added).

explaining that “[o]f particular concern is the potential danger to law enforcement officers if an individual is carrying a concealed weapon during the course of a traffic stop.”⁹⁹ The court went on to state: “Given the frequency of contacts between law enforcement and motorists, individuals carrying concealed weapons in motor vehicles present a greater overall risk to law enforcement than do individuals carrying concealed weapons in their homes or privately-owned businesses.”¹⁰⁰ And the court recognized that “[t]he carrying of loaded weapons in a motor vehicle also presents an additional risk of accident.”¹⁰¹

In *Fisher*, the defendant, who was a tavern owner, argued that he had a right to carry a firearm concealed in his vehicle because he “routinely transported large amounts of cash generated by his business” in his vehicle.¹⁰² But the Wisconsin Supreme Court noted that the tavern owner did not show that he was travelling in a high crime area, that the time of his arrest was at 4:00 in the afternoon, that he was engaged in a personal errand at the time of his arrest, and that he failed to show any specific threat of harm to him.¹⁰³ Additionally, the tavern owner “had never been

⁹⁹ *Id.* at 502.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.* at 497.

¹⁰³ This is in contrast to the shop owner in *Hamdan* whose shop was in a high crime area and who had in “[l]ess than three years” been “attacked by an armed assailant who held a gun to his head and pulled the trigger,” with the gun misfiring, and, at one point “engaged in a struggle with another armed assailant who was

robbed, and there was no evidence that he had ever been a victim of a crime, other than when his vehicle was stolen.”¹⁰⁴ As such, the Wisconsin Supreme Court ruled that the tavern owner provided no “extraordinary circumstances” that would have made his interest in keeping a concealed firearm in his vehicle higher than the State’s heightened interest in prohibiting concealed firearms in vehicles, and, accordingly, the court held that prosecution of the tavern owner for CCDW in his vehicle was constitutional.¹⁰⁵

The *Fisher* reasoning could easily apply to the facts of this case, rendering the conclusion in *Hamdan* facially inapplicable because Wright fails to assert a single ‘extraordinary circumstance’ for concealing a firearm in his vehicle. Wright concealed the firearm in his motor vehicle, which is not a stationary business. The presence of a concealed firearm could have increased the risks to the police officers during the traffic stop or increased the chances of an accident while Wright was transporting Uber riders. Wright had a choice as to whether he would pick up a rider, meaning his vehicle was not open to everyone in the public. The time of the traffic stop was around 3:30 p.m., not late at night. There is no evidence to suggest that the area in which Wright was picking up the rider at the time of the traffic stop,

attempting to rob the store and, in the course of this attack, shot and killed the robber in self-defense.” *Id.* at 503-05.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 505, 508.

or any rider at any time, had high crime. There is no evidence that Wright faced a specific threat. Indeed, the only argument Wright provided as to why he needed a concealed firearm in his vehicle to protect himself was his vague belief that some Uber riders had been victims of crime in another city – Philadelphia, but he fails to explain how this relates to Uber drivers in Delaware.¹⁰⁶ And, similar to *Fisher*, and in contrast to *Hamdan*, Wright does not assert that he had been a victim of a crime while conducting business, even though he testified that he had been an Uber driver for seven or eight years. Ultimately, Wright’s speculative assertion that he believed he could be a victim of an undefined crime at an undefined time in the future by an undefined assailant simply does not establish that he needed a concealed firearm in his vehicle for self-defense.¹⁰⁷

Therefore, the Superior Court did not err when it declined to apply the *Griffin* test and denied Wright’s motion for judgment of acquittal.

¹⁰⁶ See A69.

¹⁰⁷ See *Hardman v. State*, 2024 WL 3886191, at *2 (Del. Aug. 21, 2024) (holding that the evidence for a choice-of-evils defense was “inadequate as a matter of law” in a CCDW case where the evidence was that the defendant “carried a concealed weapon [in his vehicle] because he believed he may be attacked sometime in the future while delivering food in a dangerous neighborhood...”).

D. Alternatively, the three-part *Griffin* test favors the State when applying it to the uncontested facts of this case.

Alternatively, if this Court were to find that application of the three parts of the *Griffin* test is warranted, this Court should apply the test itself and affirm Wright's conviction. Although Wright appears to argue that this Court should reverse his conviction, remand, and order the Superior Court to apply the *Griffin* test, as *Griffin* shows, this Court has the ability to apply the test itself. As already discussed, this Court applied the following test in *Griffin* in relation to CCDW in the context of a person's home:

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.¹⁰⁸

An examination of the facts shows that each factor of the three-part *Griffin* test favors the State if applied here.

First, the facts show that the State's interest in public safety significantly outweighed Wright's interest in carrying a concealed weapon at the time of the traffic stop. In *Griffin*, this Court stated, without reservation, that at the point that the police asked Griffin whether he had a knife, "the balance between his interest in

¹⁰⁸ *Id.* at 490-91.

carrying a concealed weapon in his home and the State’s interest in public safety shifted in favor of the State.”¹⁰⁹ This Court also explained that at that point “Griffin was no longer using the knife for household purposes, and *his failure to reveal that he was carrying a weapon* could have represented a serious threat to both the police and his girlfriend.”¹¹⁰

Here, when Wright was pulled over, and he presumably would no longer have been using his firearm for self-defense, he still concealed his firearm.¹¹¹ Moreover, after exiting his Kia and after denying to officers that there was a firearm in the Kia, Wright was left unsecured and able to walk around while the two officers went back to their patrol vehicle to work on issuing a traffic warning.¹¹² And, alarmingly, Wright offered to re-enter the Kia to remove a camera bag while the officers were still unaware that there was a firearm concealed under the driver’s seat.¹¹³

The State’s interest in reducing risks to a police officer’s safety is important, and Officer Kashner testified that he would have taken additional safety precautions if he had known that there was a concealed firearm in the Kia.¹¹⁴ On the other hand, in his Opening Brief, Wright does not explain what interest he had in concealing his

¹⁰⁹ *Id.* at 491.

¹¹⁰ *Id.* (emphasis added).

¹¹¹ A36-38, A73.

¹¹² A37-39, A101-03.

¹¹³ A40, A75-76.

¹¹⁴ A37-40.

firearm from the police during a traffic stop. At trial, Wright's only explanation for telling Officer Kashner that he did not have a firearm was because "I didn't trust Kashner."¹¹⁵ Wright explained that after being pulled over, his "first thought" was that the "cop was up to no good" and that he "couldn't trust him."¹¹⁶ When testifying about Officer Kashner asking him a question about marijuana, Wright further explained: "I knew he was still up to no good, because that's an excuse that cops use all the time to be able to have proximate [sic] cause to search somebody's vehicle."¹¹⁷ Wright, however, has never explained how the fact that he did not trust Officer Kashner necessitated the concealment of a firearm. Accordingly, the first factor of the *Griffin* test favors the State.

Moreover, the evidence shows that the Uber app was designed to provide safety without the use of concealed firearms. Uber's policy, read into evidence, states: "Our goal is to ensure that everyone has a safe and reliable ride. That's why Uber prohibits riders and their guests as well as driver and delivery partners from carrying firearms of any kind while using our app."¹¹⁸ Wright testified that when using the Uber app, "if a customer needs a ride, it will pop up on your screen" and that he could "accept it or decline it."¹¹⁹ As such, unlike a shop owner whose shop is

¹¹⁵ A91.

¹¹⁶ A73.

¹¹⁷ A96-97.

¹¹⁸ A79.

¹¹⁹ A68-69.

open to the public, Wright had a choice as to who he allowed into the vehicle and whether to pick up a rider in a high crime area or under dangerous situations, thus allowing him to protect his safety without the use of a concealed firearm.

Second, Wright's own testimony undermines his claim that he had no option but to carry the firearm in a concealed manner under his seat. His testimony shows that he intended to purchase a holster but that he eventually stopped looking for a holster.¹²⁰ This fact suggests that Wright believed that he could have worn the firearm in an unconcealed manner in a holster. Additionally, in his motion for a judgment of acquittal, Wright argued that he placed the firearm under the seat because "obviously a gun on top the seat would make his business unreasonable" as it would have frightened his customers. Yet, he did not make the argument, nor does he make the argument now, that keeping the firearm in a holster that would have been visible to a police officer making a traffic stop would similarly frighten his customer as would having a firearm laying on top of a seat in the car. In any case, Wright's testimony that he hid the firearm on the floorboard by his foot because he "didn't want to shake up any customers getting in the car" and "didn't want to make anybody nervous" does not make much sense in light of his testimony that he carried

¹²⁰ A80-83.

the firearm “[f]or the customers as well” and not just for himself.¹²¹ Accordingly, the second factor of the *Griffin* test favors the State.

Third, although Wright testified at trial that he needed the firearm for the “legal” purpose of self-defense, the facts he presented do not support that claim in the context of the traffic stop. Wright testified that he concealed the presence of the firearm from Officer Kashner at the time of the traffic stop because he did not trust Officer Kashner. Wright fails to explain how a mistrust of a police officer is a legal purpose for concealing a deadly weapon. Accordingly, Wright fails to show that he concealed the firearm for a legal purpose, especially during the traffic stop, and the third factor of the *Griffin* test favors the State.

Therefore, even if the test this Court applied in *Griffin* were applied to the uncontested facts in this case, Wright’s appeal would be without merit.

¹²¹ A70-71.

CONCLUSION

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

Respectfully submitted,

/s/ Andrew R. Fletcher

Andrew R. Fletcher (# 6612)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500

Date: June 4, 2026

Andrew R. Fletcher (# 6612)
Deputy Attorney General