



IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION)
OF TYRESE BURROUGHS) No. 130, 2022
FOR A WRIT OF PROHIBITION)

STATE’S ANSWER AND MOTION TO DISMISS

Pursuant to Supreme Court Rule 43(b), the State of Delaware, as the real party in interest, submits the following in response to Tyrese Burroughs’s (“Burroughs”) Petition for a Writ of Prohibition:

1. On November 25, 2020, police arrested Burroughs and charged him with Possession of a Firearm During the Commission of a Felony, Possession of a Firearm By a Person Prohibited, Possession of Ammunition By a Person Prohibited, Carrying a Concealed Deadly Weapon, two counts of Possession of a Controlled Substance with intent to Deliver, and Possession of Marijuana, after discovering Burroughs was carrying a loaded semi-automatic handgun, and possessed 58 bags of heroin, one bag of crack cocaine and 3 grams of marijuana.¹ Burroughs’ original bail was set at \$110,501 cash.² After a preliminary hearing in December 2020, the court reset the bail to the original amount - \$110,501 cash³ and transferred Burroughs’ case to

¹ Exhibit A – *State v. Burroughs*, Criminal Complaint Affidavit at 2-3.

² Exhibit B – *State v. Burroughs*, Super. Ct. ID No. 2011011781 at Docket Item (“D.I.”) 1. At his initial appearance in the Court of Common Pleas, the court reduced Burroughs’ bail to \$20,000 cash and \$14,501 secured. *State v. Burroughs*, 2022 WL 1115769, at n.12 (Del. Apr. 13, 2022).

³ D.I. 4; *Burroughs*, 2022 WL 1115769, at n.1.

the Superior Court; Burroughs thereafter filed a Motion for Non-Financial Conditions.⁴

2. At a Superior Court bail hearing in January of 2021, Burroughs' argued that his age, educational background, performance on probation, self-employment, and his prior attendance at court proceedings warranted removal of the financial conditions of his bail.⁵ At a July 2021 Superior Court bail hearing, Burroughs argued that Delaware's bail system violated his right to (1) equal protection; (2) substantive due process; (3) procedural due process; and (4) sufficient sureties.⁶ A Superior Court commissioner denied the motion and Burroughs sought review of the commissioner's decision.⁷ After a review of the record, a Superior Court judge again denied Burroughs' Motion for Non-Financial Conditions.⁸ Burroughs now seeks a Writ of Prohibition from this Court and asks that his bail "be modified to an amount without financial conditions."⁹ Burroughs misapprehends the purpose of the extraordinary writ he seeks and has failed to demonstrate that he is entitled to a Writ of Prohibition.

⁴ D.I. 6.

⁵ *Burroughs*, 2022 WL 1115769, at *2.

⁶ D.I. 61; Exhibit A to Opening Brief.

⁷ D.I. 57, D.I. 60; Exhibit A to Opening Brief; Exhibit B to Opening Brief.

⁸ D.I. 69.

⁹ Pet'n at 8.

3. “A writ of prohibition is the legal equivalent of the equitable remedy of an injunction. Its purpose is to keep a trial court within the limits of its own jurisdiction.”¹⁰ “The jurisdictional defect must be manifest upon the record. The burden is on the petitioner to demonstrate to this Court, by clear and convincing evidence, that the trial court is without jurisdiction in the matter or is attempting to exceed its jurisdiction.”¹¹ This Court’s analysis in considering a petition for a writ of prohibition is twofold: (1) is there an adequate remedy available, other than a writ of prohibition; and (2) did the court lack or exceed its jurisdiction.¹² If there is an adequate remedy available, the Court need not address the jurisdictional question.¹³

4. Relying on *Steigler v. Superior Court*,¹⁴ Burroughs contends there is no available remedy at law because the Superior Court’s decision to *deny* bail is an unappealable decision. But Burroughs’ case is distinguishable from *Steigler*. In *Steigler*, the Superior Court denied the defendant bail *without a hearing*.¹⁵ In this case, the Superior Court did not deny Burroughs bail. The court set his bail in

¹⁰ *In re Simmons*, 2020 WL 3957207, at *1 (Del. July 10, 2020) (citing *In re Hovey*, 545 A.2d 626, 628 (Del. 1988)).

¹¹ *In re Foraker*, 2007 WL 3194861, at *1 (Del. Oct. 31, 2007) (citing *Hovey*, 545 A.2d at 628).

¹² *Givens v. Delaware Harness Racing Comm’n*, 2012 WL 5949740, at *3 (Del. Nov. 28, 2012).

¹³ *Id.*

¹⁴ *Steigler v. Superior Court In and For New Castle County*, 252 A.2d 300 (Del. 1969).

¹⁵ *In re Steigler*, 250 A.2d 379, 381 (Del. 1969).

accordance with Delaware’s bail laws,¹⁶ after a hearing. Burroughs sought a modification of his bail to a non-financial amount, and the court denied his motion, after a hearing. “A petition for an extraordinary writ may not be used as a substitute for a timely-filed appeal.”¹⁷ Indeed, this Court will consider a lower court’s bail decision on direct appeal from a conviction.¹⁸ Burroughs seeks to have this Court set his bail in a non-financial amount using a writ of prohibition as the vehicle to achieve that end. However, “[t]here is no statutory or constitutional authority vested in this Court to grant bail prior to conviction. Generally, the courts of original criminal jurisdiction are given such bail powers.”¹⁹ Under Burroughs’ theory, this Court would routinely review a lower court’s bail determination through an extraordinary writ when a defendant is not satisfied with the lower court’s bail determination. The defendant need only allege that the court, in making its determination, failed to apply the correct standard of review, misapplied the correct standard of review, or failed to correctly assess the facts in support of its determination. Such a result is inapposite to the purpose of an extraordinary writ – this is especially true in light of the availability of a legal remedy provided by this Court. Burroughs has failed to establish that there is no adequate legal remedy to

¹⁶ The statutes contained in Chapter 21 of Title 11 address bail and pretrial release.

¹⁷ *In re Young*, 2011 WL 10296, at *1 (Del. Jan. 3, 2011).

¹⁸ *See, e.g., Boo’ze v. State*, 2004 WL 691903, at *5 (Del. Mar. 25, 2004) (trial judge’s bail determinations are reviewed for an abuse of discretion).

¹⁹ *Steigler*, 252 A.2d at 302.

address the Superior Court’s denial of his motion to modify bail. The Court can dismiss Burroughs’ petition on that basis alone.²⁰

5. Burroughs has likewise failed to demonstrate that the Superior Court was without jurisdiction or exceeded its jurisdiction when it denied his bail modification motion. Burroughs’ petition offers no credible basis upon which to question the Superior Court’s jurisdiction.²¹ He alleges that the court lacked jurisdiction because it violated his fundamental constitutional rights to (1) equal protection; (2) substantive due process; and (3) procedural due process. Burroughs also alleges the Superior Court’s denial of his bail motion violated the “Sufficient Sureties” clause of Article I Section 12 of the Delaware Constitution. The Superior Court considered and rejected the same arguments Burroughs makes here.

6. *Equal Protection*

Burroughs claims the court’s order violated his right to equal protection. Thus, the court should have reviewed his claim under the strict scrutiny standard, rather than the rational basis review it applied. Burroughs is wrong. Strict scrutiny applies to claims involving constitutionally protected classes.²² As the Superior Court

²⁰ *Givens*, 2012 WL 5949740, at *3.

²¹ See 11 Del. C. § 2701(c) (“The Superior Court shall have jurisdiction, original and concurrent, over all crimes, except where jurisdiction is exclusively vested in another court”).

²² *City of Cleburne, Tex. v. Cleburne Living Center*, 473 U.S. 432, 440 (1985) (citing *McLaughlin v. Florida*, 379 U.S. 184, 192, (1964); *Graham v. Richardson*, 403 U.S. 365 (1971)).

correctly noted and Burroughs acknowledged, “poverty is not a suspect classification.”²³ Applying rational basis review to the Delaware bail statute and the commissioner’s order, the Superior Court correctly concluded:

Delaware’s bail statute, as applied to Defendant, is rationally related to ensuring public safety, which is not only a *valid* state purpose, but a compelling one. Removing an ease of release by imposing a high monetary bail rationally relates to protecting the public from violent offenders.²⁴

“The government’s interest in preventing crime by arrestees is both legitimate and compelling.”²⁵ The Delaware bail statute authorizing monetary bail is rationally related to the government’s interest in protecting the public. This claim fails.

7. Substantive Due Process

In his petition Burroughs claims the Superior Court’s order violated his substantive due process rights “by failing to require or find clear and convincing evidence that [his] money bail-based incarceration is necessary and the least restrictive means of achieving the government’s purpose.”²⁶ Burroughs misapprehends the Superior Court’s order. The Superior Court applied a strict

²³ *State v. Burroughs*, 2022 WL 1115769, at *5 (Del. Apr. 13, 2022). See *Harris v. McRae*, 448 U.S. 297, 323 (1980); *James v. Valtierra*, 402 U.S. 137 (1971); *Maher v. Roe*, 432 U.S. 464, 471 (1977).

²⁴ *Burroughs*, 2022 WL 1115769, at *6.

²⁵ *United States v. Salerno*, 481 U.S. 739, 749 (1987) (citing *De Veau v. Braisted*, 363 U.S. 144, 155 (1960)).

²⁶ Pet’n at 4.

scrutiny analysis, identified the clear and convincing standard, and applied it. When the court rejected Burroughs' substantive due process claim, it determined:

Applying monetary bail above the amount a defendant can afford requires they remain in detention. A Court may consider a defendant's financial circumstances, but still set bail outside those means upon *clear and convincing evidence* that no less restrictive alternative will satisfy the government's purpose. For purposes of this case alone, I will assume the attachment of an unaffordable bail that results in detention implicates a defendant's fundamental right of liberty, triggering a *strict scrutiny* standard of review of Delaware's bail statute.

* * * *

Although general interest in preventing crime is compelling, such an interest is heightened when the State presents evidence the arrestee, already held to answer "for a serious crime, presents a demonstratable danger to the community." This is such a case.

* * * *

Here, the State presented *clear and convincing evidence*, as required by Delaware's bail statute, that no less restrictive alternative other than the cash bail assigned to Defendant would satisfy the government's compelling interest in protecting the public.

* * * *

The State presented evidence that Defendant ignored his "Person Prohibited" classification and possessed a firearm while in the community. Defendant's charges are his third set of drug dealing charges, his most recent conviction was in 2019, and those previous charges included some classified as violent felonies. His current charges include a signal offense. As the State pointed out, and as the Commissioner emphasized, the State's testimony at the preliminary hearing provided strong probable cause evidence. Most significantly, when Defendant committed the alleged offenses, the State demonstrated he already was classified as a "Person Prohibited" from possession of a firearm, but that he nonetheless carried a firearm while in public in direct violation of the law. This is a case in which setting a

significant monetary bail, in accord with SENTAC guidelines, satisfies a compelling government interest of public safety and is narrowly tailored to achieve that interest. Defendant demonstrated a disregard of Delaware law and this Court's instructions by carrying a firearm.

As the Supreme Court has held, “[w]hen the Government proves by clear and convincing evidence that an arrestee presents an identified and articulable threat to an individual or the community, we believe that, consistent with the Due Process Clause, a court may disable the arrestee from executing that threat.” No other means exist that would be less restrictive to ensure Defendant does not possess another firearm while in public other than setting a high monetary bail.²⁷

The Superior Court applied strict scrutiny review to Burroughs' substantive due process claim and correctly evaluated the evidence under the clear and convincing standard before it determined that no other means exist that would be less strictive and still achieve a compelling government interest. Indeed, the court held a hearing and considered this very issue when Burroughs presented his expert on the subject.²⁸ Burroughs ignores the fact that the court considered all of the evidence before it and decided the issue based on its assessment of the record evidence. Unsurprisingly, he simply disagrees with the court's conclusion and attempts to challenge it by claiming the court either failed to apply or misapplied the correct standard. As is evident from the plain language of the order, the Superior Court applied the clear and convincing evidence standard to Burroughs' claim and cited support for its

²⁷ *Burroughs*, 2022 WL 1115769, at *6-7 (emphasis added) (citations omitted).

²⁸ *Burroughs*, 2022 WL 1115769, at *8.

determination that monetary bail was the least restrictive means by which to ensure public safety in Burroughs' case. This claim likewise fails.

8. *Procedural Due Process*

Burroughs also claims that the Superior Court violated his procedural due process rights by failing to apply the clear and convincing standard to his claim. He acknowledges that the order "purports to apply a clear and convincing standard," but nonetheless contends, "it did not actually do so."²⁹ As noted above, the court identified the clear and convincing standard and applied it, citing to record evidence in support of its conclusion.³⁰ Burroughs is simply wrong and his claim fails.

9. Burroughs additionally claims that the Superior Court's order violates the Sufficient Sureties clause. With no legal support, he contends, "when money bail is used, it must be set to an amount calculated to promote pretrial success through financial incentivization," although he concedes that the Sufficient Sureties clause can be satisfied even when the amount of bail "happens to be an unaffordable amount."³¹ The Superior Court considered this claim and concluded:

In Delaware, monetary bail should be set at an amount that considers risk of flight and ensures public safety. If the State admitted its only interest for setting bail was in preventing Defendant's flight, the bail would need to be set at a sum designed to ensure that goal, and no more. But here, the Court properly was concerned with the public's safety if Defendant were to be released. To reiterate, Defendant, was

²⁹ Pet'n at 6.

³⁰ *Burroughs*, 2022 WL 1115769, at *6-7.

³¹ Pet'n at 6-7.

classified as a “Person Prohibited” from possessing a firearm, and the State nevertheless presented evidence he carried one on his person when arrested. The bail imposed fell within the SENTAC guidelines and met the requirements of Delaware’s constitutional bail statute.³²

Article I section 12 of the Delaware Constitution states:

All prisoners shall beailable by sufficient sureties, unless for capital offenses when the proof is positive or the presumption great; and when persons are confined on accusation for such offenses their friends and counsel may at proper seasons have access to them.³³

The preceding constitutional provision is implemented by trial courts through Delaware’s bail statutes found in Chapter 21 of Title 11. Here, Burroughs broadly contends that the Superior Court violated Article I, section 12 of the Delaware constitution when it denied his bail motion because “the record provides no support for the proposition that the amount of Defendant’s bail is necessary to incentivize success.” The purpose of Delaware’s bail law can be found in section 2101, which states, in part:

The various courts of this State are empowered and encouraged to make individualized decisions about terms and conditions of pretrial release. Each court shall utilize a system of pretrial release imposing reasonable nonmonetary conditions of release when those conditions adequately provide a reasonable assurance of the appearance of the defendant at court proceedings, the protection of the community, victims, witnesses and any other person, and to maintain the integrity of the judicial process.³⁴

³² *Burroughs*, 2022 WL 1115769, at *8 (citation omitted).

³³ Delaware Constitution, Art. I, § 12.

³⁴ 11 *Del. C.* § 2101.

The statute makes no reference to setting bail at an amount aimed at “incentivizing success.” Rather, sections 2101, 2104, 2105, and 2107 clearly set the framework for the imposition of monetary and nonmonetary conditions. In Burroughs’ case the court considered his request for nonmonetary conditions and, contrary to Burroughs’ assertion, assessed it against some of the statutory criteria listed in the Chapter 21 statutes. The court ultimately determined that nonmonetary conditions were not appropriate when weighed against several of the criteria meant to assure the safety of the public. The Superior Court did not violate Article I, section 12 of the Delaware Constitution. The court properly considered Burroughs’ bail motion, held a hearing, and, citing to record evidence, declined to grant him nonmonetary bail - applying the criteria set forth in Chapter 21.

10. In sum, Burroughs seeks a remedy that is unavailable through a writ of prohibition. He has failed to demonstrate that there is not another adequate remedy, or that the Superior Court lacked jurisdiction when it denied his bail motion. Additionally, this Court is not vested with the authority to grant the relief he seeks, a modification of his bail. Consequently, Burroughs’ petition for an extraordinary writ fails.

WHEREFORE, this Court should dismiss Burroughs' petition for a writ of prohibition.

/s/ Andrew J. Vella
Andrew J. Vella (I.D. No. 3549)
Deputy Attorney General
Delaware Department of Justice
820 North French Street, 7th Floor
Wilmington, Delaware 19801
(302) 577-8500

Date: May 3, 2022

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION)
OF TYRESE BURROUGHS) No. 130, 2022
FOR A WRIT OF MANDAMUS)

**CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENT
AND TYPE-VOLUME LIMITATION**

1. This answer complies with the typeface requirement of Rule 13(a)(i) because it has been prepared in Times New Roman 14-point typeface using Microsoft Word.
2. This answer complies with the type-volume limitation of Rule 30(d) because it contains 2,751 words, which were counted by Microsoft Word.

Dated: May 3, 2022

/s/ Andrew J. Vella
Andrew J. Vella (I.D. No. 3549)
Deputy Attorney General

Adult Complaint and Warrant
In the Justice of the Peace Court
In and for the
State of Delaware

State of Delaware vs. **TYRESE BURROUGHS**

I, PTLM WILLIAMS (13295) of WILMINGTON PD, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in New Castle county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of 8 charges, and to be further dealt with as the law directs.

X /s/ PTLM WILLIAMS (13295)
Affiant/Videophone Warrant

Sworn to and subscribed to before me this 26th day of November AD, 2020.

/s/ DAVID R SKELLEY
Judge/Commissioner/Court Official

(To be completed by the Judge/Commissioner/Court Official)

- A. _____ The crime was committed by a child.
B. _____ A misdemeanor was committed against a child.
C. _____ A misdemeanor was committed by one family member against another family member.
D. _____ Other: Explain _____

Warrant

To any constable or other authorized person:

Whereas, the foregoing complaint consisting of **8** charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take **TYRESE BURROUGHS** accused, and bring same before

JUSTICE OF THE PEACE COURT 11, FORTHWITH, to answer said charges

/s/ DAVID R SKELLEY
Judge/Commissioner/Court Official

GIVEN UNDER MY HAND, this 26th day of November AD, 2020.

Executed on 11/25/2020 by WILLIAMS
Case Number: **20 11 011781** Warrant Number: **30 20 007057** Arrest Number: **30 00 2650**

Ex. A

Exhibit A

Charge Sequence: 001 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Possession of a Firearm During the Commission of a Felony**

In Violation of 11 Del.C. § 1447 A00A F B

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did possess a firearm during the commission of the felony of Possession with the intent to deliver a controlled substance..

Charge Sequence: 002 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Poss Purch Own or Control of a Firearm or Ammunition by a Person Prohibited Prior Violent Crime or Felony**

In Violation of 11 Del.C. § 1448 00a1 F D

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did knowingly purchase, own, possess or control a firearm or ammunition after having been convicted of a felony or a crime of violence involving physical injury in Criminal Action No(s) 1902013877 in the New Castle County Superior Court. of the State of DE in and for New Castle County on 3/07/2019 of the charges of Drug dealing. To Wit: Burroughs did possess a Smith and Wesson Walther firearm.

Charge Sequence: 003 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Poss Purch Own or Control of a Firearm or Ammunition by a Person Prohibited Prior Violent Crime or Felony**

In Violation of 11 Del.C. § 1448 00a1 F D

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did knowingly purchase, own, possess or control a firearm or ammunition after having been convicted of a felony or a crime of violence involving physical injury in Criminal Action No(s) 1902013877 in the New Castle County Superior Court. of the State of DE in and for New Castle County on 3/07/2019 of the charges of Drug dealing. To Wit: Burroughs did possess 7 live rounds of .380 caliber ammunition.

Charge Sequence: 004 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Manufacture/Deliver/PWID Controlled Substance**

In Violation of 16 Del.C. § 4754 000a F D

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did possess-with-intent-to-manufacture-or-deliver Heroin , a controlled substance in a quantity of 0.406 grams .

Charge Sequence: 005 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Manufacture/Deliver/PWID Controlled Substance**

In Violation of 16 Del.C. § 4754 000a F D

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did possess-with-intent-to-manufacture-or-deliver Crack Cocaine , a controlled substance in a quantity of 1.5 grams .

Charge Sequence: 006 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Carrying a Concealed Deadly Weapon A Firearm**

In Violation of 11 Del.C. § 1442 0000 F D

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did knowingly and unlawfully carry concealed about his person a Smith and Wesson Walther .380 (4268BAJ), a firearm as defined under Title 11, Section 222(12).

Charge Sequence: 007 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Resisting Arrest**

In Violation of 11 Del.C. § 1257 000b M A

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did intentionally attempt to prevent PTLM WILLIAMS of the Wilmington Police Department from effecting an arrest or detention of himself, by Borroughs continuously pulled his arms away from this Officer after being told he was under arrest..

Charge Sequence: 008 Police Complaint Number: 30 20 096845 Arrest Number: 30002650

Charge: **Possession of Marijuana - Personal Use Quantity - Civil Violation**

In Violation of 16 Del.C. § 4764 00c1 C

Location: 2399 Jessup ST - Wilmington, 19802

TO WIT: TYRESE BURROUGHS, on or about the 25th day of November, 2020, in the County of New Castle, State of Delaware, did knowingly or intentionally possess a personal use quantity of a controlled substance or a counterfeit controlled substance classified in Title 16, Section 4714(d)(19), in a quantity of 3.3 grams

continuing to walk westbound in the 300 block of E. 23rd Street. This Officer exited his vehicle and walked towards the male subject at which time he fled westbound in the 300 block of E. 23rd Street, and then northbound in the 2300 block of Jessup Street. This Officer pursued the subject while giving him verbal commands to stop running. The unknown male subject continued to run northbound in the 2300 block of Jessup Street, at which time he attempted to run between two (2) vehicles on the west side of the street and fell to the ground. This Officer then grabbed the subject and attempted to put the male subject's hands behind his back, however the male subject pulled his arms away. It should be noted that while this Officer was trying to put handcuffs on the male subject this Officer could feel a large bulge on the right side of the male's subject waistband which felt consistent with a firearm. After a brief struggle with the male subject he was taken into custody by this Officer and assisting units. This Officer then conducted a pat down of the male subject and located a silver in color Smith and Wesson Walther .380 (4268BAJ) loaded with seven (7) live rounds total in the magazine. This officer then removed the firearm from the male's waistband. The unknown male subject advised Officers on scene that he had drugs on him. This Officer then removed fifty-eight (58) small, clear ziploc bags, each containing a blue in color glassine bag each stamped in BLUE in color ink with "HIGH", with each bag containing an off white in color, powder substance which through my training and experience is consistent with heroin with a total preliminary weight of 0.406. The off white powder substance to wit: heroin was not field tested due to the presence of fentanyl and/or fentanyl-laced heroin in recent drug seizures, the Drug Enforcement Administration has issued a warning regarding this highly toxic and narcotic substance. Fentanyl may be similar to heroin in appearance and can be absorbed through different routes of exposure including through the skin, by inhalation, ingestion or injection. The onset of adverse health effects, such as disorientation, coughing, sedation, respiratory distress or cardiac arrest is very rapid and profound, usually occurring within minutes of exposure. The dosage of fentanyl is a microgram, one millionth of a gram similar to just a few granules of table salt. Fentanyl can be lethal and is deadly at very low doses. See <https://www.dea.gov/divisions/hq/2016/hq061016.shtml>. In light of the significant health risks to law enforcement handling substances potentially containing fentanyl, the Drug Enforcement Administration has issued a caution to law enforcement officers against field testing these substances and advises that they be sent directly to the controlled substance testing laboratory. Historically, in Delaware other controlled substances that pose similar health risks when handling, like phencyclidine (PCP) or lysergic acid diethylamide (LSD), have not been field tested and the courts have relied upon an affiant's description of the substance to support a finding of probable cause.

The male subject further advised Officers on scene that he had crack cocaine underneath his testicles. This officer

/s/ PTLM WILLIAMS (13295)

Affiant/Videophone Warrant

Sworn to and subscribed to before me this 26th day of November AD, 2020.

/s/ DAVID R SKELLEY

Judge/Commissioner/Court Official

then located one (1) clear knotted plastic bag, containing an off white in color, chunky substance underneath the black male's testicles, which field tested positive for the presence of crack cocaine using COBAL-THIOCYANATE (MOD) REAGENT field test kit at a total preliminary weight of 1.5 grams. It should be noted that the unknown male subject advised this Officer that he does not use heroin or crack cocaine.

The unknown subject was transported to the Wilmington Department of Police. While at the Wilmington Police Department the unknown male subject was identified as Tyrese Burroughs BMNH DOB: 1999. While removing Burroughs property a clear plastic bag in a knot containing a green plant like substance was removed from Burroughs person with a preliminary weight of 3.3 grams. It should be noted that same field tested positive for marijuana using DUQUENOIS REAGENT field test kit.

This Officer advised Burroughs of his Miranda Rights, at which time he agreed to speak with this Officer. Burroughs stated he walked to the corner store located at E. 23rd Street and N. Pine Street, at which time he bought a black and mild and a condom. Burroughs stated he exited the store at which time he was approached by a female subject who asked him did he have anything referring to drugs. Burroughs stated he then walked away from the female subject westbound in the 300 block of E. 23rd Street, at which time he was approached by this Officer. During the interview Burroughs acknowledged that he possessed a firearm, heroin, crack cocaine and marijuana. During the interview Burroughs advised this Officer that he sells drugs " a little bit" on E. 23rd Street.

This Officer conducted a Deljis Inquiry on Burroughs. This Officer observed that Burroughs is prohibited from possessing a firearm due to the fact he pled guilty to Manuf, delivers, or poss w/i to manufacture, deliver a controlled substance through the New Castle County Superior Court DE:16:4754:0001:F:D Duc:1902013877.

Affiant: PTLM WILLIAMS (13295) of WILMINGTON PD

Victim:	Date of Birth	Relationship Victim to Defendant
SOCIETY/PUBLIC		Victimless Crime

/s/ PTLM WILLIAMS (13295)

Affiant/Videophone Warrant

Sworn to and subscribed to before me this 26th day of November AD, 2020.

/s/ DAVID R SKELLEY

Judge/Commissioner/Court Official

State of Delaware vs. **TYRESE BURROUGHS**

Case Number: 20 11 011781

Approval and Arrest Information

Approved by: **100900 : SKELLEY DAVID R.**

Approved on: **11/26/2020 at 05:04 AM**

Approval Entered by: **CJOPDRS : DAVID R SKELLEY**

Active Arrest Number: **30002650**

Date of Arrest: **11/25/2020 at 23:48**

Arresting Agency: **Wilmington PD**

Arresting Officer: **CPL AKQUIL WILLIAMS (13295)**

SUPERIOR COURT CRIMINAL DOCKET
(as of 04/14/2022)

State of Delaware v. TYRESE BURROUGHS DOB: 1999
 State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
 Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

Assigned Judge: LEGROW ABIGAIL M

Charges:

Count	DUC#	Crim.Action#	Description	Dispo.	Dispo. Date
001	2011011781	IN20120494	PFDCF		
002	2011011781	IN20120495	PFBPP PABPP		
003	2011011781	N20120496	PFBPP PABPP	DISM	07/13/2021
004	2011011781	IN20120497	CONTROLLED SUBS		
005	2011011781	IN20120498	CONTROLLED SUBS		
006	2011011781	IN20120499	CCDW		
007	2011011781	IN20120500	RESIST ARREST		
008	2011011781	IN20120501	POSS MARIJ		
009	2011011781	IN21061433	PFBPP PABPP		

No.	Event Date Event	Docket Add Date	Judge
1	12/21/2020 CASE ACCEPTED IN SUPERIOR COURT. ARREST DATE: 11/25/2020 PRELIMINARY HEARING DATE:12/21/2020 BAIL:_____110,501.00 CASH	12/21/2020	
2	12/23/2020 MOTION FOR REDUCTION OF BAIL FILED. FILED BY ALICEA BROWN ESQ DEFENDANT RELEASED ON CASH BAIL ON 12/23/2020	12/28/2020	
3	12/28/2020 MOTION FOR REDUCTION OF BAIL FILED. FILED BY ALANNA FARBER, ESQ SCHEDULE FOR 1/5/2021 AT 1:30	12/28/2020	
12	12/30/2020 DEFENDANT'S LETTER TO ALANNA FARBER FILED I WOULD LIKE YOU TO FILE A SUPPRESSION HEARING ON MY CASE ON THE GROUNDS OF LACK OF SURVELLANCE LETTER TO FILE ON 01/25/2021	01/22/2021	
4	01/05/2021 MOTION FOR REDUCTION OF BAIL DENIED. IT IS HEREBY ORDERED THAT THE MOTION IS DENIED FOR THE REASONS SET FORTH ON THE RECORD ON 1/5/21 WHICH ARE INCORPORATED HEREIN AT LENGTH IF SET FORTH, IN THEIR ENTIRETY. THE BAIL SHALL REMAIN AS PREVIOUSLY SET.	01/05/2021	PARKER LYNNE M
5	01/06/2021	01/06/2021	

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State of Delaware v. TYRESE BURROUGHS DOB: 1999
State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

No.	Event Date	Docket Add Date	Judge
	Event		

	LETTER FROM: ELLIOT MARGULES, ESQ. TO: JUDGE CARPENTER RE: LETTER DATED 1/6/21 FILED CONTEMPORANEOUSLY WITH THIS LETTER IS DEFENDANT'S MOTION FOR NON-MONETARY BAIL CONDITIONS. A PREVIOUS EFFORT AT LITIGATING THE ISSUES IN THAT MOTION -THREE CONSTITUTIONAL CHALLENGES TO DELAWARE'S BAIL RULES AND PRACTICES - WAS DISMISSED AS MOOT AT THE CESSATION OF THAT DEFENDANT'S PRETRIAL DETENTION. IN ORDER TO MINIMIZE THE LIKELIHOOD OF MOOTNESS IN THIS CASE, WE RESPECTFULLY REQUEST THAT YOUR HONOR (1) ISSUE AN EXPEDITED BRIEFING AND HEARINGS SCHEDULE, AND (2) ASSIGN THIS MATTER DIRECTLY TO A SUPERIOR COURT JUDGE, AS OPPOSED TO A SUPERIOR COURT COMMISSIONER. THE STATE HAS BEEN CONSULTED ABOUT THESE REQUESTS AND DOES NOT OPPOSE EITHER.		
6	01/06/2021	01/06/2021	
	MOTION FOR NON-FINANCIAL CONDITIONS OF RELEASE FILED. FILED BY: ELLIOT MARGULES, ESQ.		
50	01/08/2021	08/06/2021	
	EMAIL FILED TO: JUDGE LEGROW FROM: TRACY WALLS-PULLING JUDGE CARPENTER WILL BE ASSIGNING THE ABOVE CASE TO YOU. I WILL GET THE ASSIGNMENT MEMO DONE NEXT WEEK, BUT I DID LET COUNSEL KNOW THAT I WOULD PASS THE ATTACHED DOCUMENTS ALONG TO YOU		
7	01/11/2021	01/11/2021	
	EMAIL FILED FROM PAIGE ROOT TO COUNSEL: BRAUNSBURG, JORDAN (DOJ); BUCKWORTH, MATTHEW C (DOJ) MARGULES, ELLIOT, (PDO); FARBER, ALANNA (PDO) ATTACHED PLEASE FIND A LETTER AND ORDER OF REFERENCE ISSUED TODAY BY JUDGE LEGROW. PROTHONOTARY, PLEASE DOCKET THIS EMAIL AND ATTACHMENTS FOR THE FILE. ***FILE REFERRED TO JUDGE LEGROW'S CHAMBERS FOR COMM. MAYER 1/12/21		
8	01/11/2021	01/11/2021	LEGROW ABIGAIL M
	LETTER FROM JUDGE LEGROW DEAR COUNSEL RE: AS YOU MAY BE AWARE, JUDGE CARPENTER ASSIGNED THIS CASE TO ME, INCLUDING THE PENDING MOTION CHALLENGING THE CONSTITUTIONALITY OF DELAWARE'S BAIL STATUTE...I ALSO AM CONFIDENT THE COMMISSIONER MAYER WILL ACCOMMODATE THE PARTIES' REQUEST FOR AN EXPEDITED BRIEFING SCHEDULE AND WILL GIVE THIS MATTER THE PRIORITY IT DESERVES.		
9	01/11/2021	01/11/2021	LEGROW ABIGAIL M
	ORDER OF REFERENCE BY JUDGE LEGROW THIS 11TH DAY OF JANUARY, 2021, THE DEFENDANT HAVING FILED A MOTION FOR NON-FINANCIAL CONDITIONS OF RELEASE ("THE MOTION"), THE COURT HEREBY ENTERS THIS ORDER OF REFERENCE TO COMMISSIONER KATHARINE L. MAYER		

State of Delaware v. TYRESE BURROUGHS DOB: 1999
State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

No.	Event Date Event	Docket Add Date	Judge
10	01/12/2021 PURSUANT TO THE PROVISIONS OF TITLE 10, SECTIONS 512 OF THE DELAWARE CODE FOR THE PURPOSE OF ASSISTING THE COURT IN DECIDING THE MOTION IN AN ORDERLY AND TIMELY MANNER... 01/12/2021 MEMORANDUM OF SPECIAL JUDICIAL ASSIGNMENT FILED - JUDGE LEGROW TO: THE HONORABLE ABIGAIL LEGROW THE ABOVE-CAPTIONED FIREARMS AND CONTROLLED SUBSTANCE CASE HAS BEEN ASSIGNED TO YOU FOR ALL PURPOSES INCLUDING TRIAL. THE ASSIGNED PROSECUTOR IS MATTHEW BUCKWORTH AND DEFENSE COUNSEL IS ELLIOT MARGULES.	01/12/2021	
22	01/14/2021 SCHEDULING TELECONFERENCE HELD. DATES FOR SCHEDULING ORDER DETERMINED DAG: J. BRAUNSBURG DEF: E. MARGULES CC: A. CLARK	08/06/2021	
47	01/15/2021 EMAIL FILED TO: COMMISSIONER MAYER FROM J. BRAUNSBURG, DAG. RE: AT YESTERDAY'S TELECONFERENCE, THE PARTIES AGREED TO PREPARE A PROPOSED SCHEDULING ORDER FOR YOUR HONOR CONSISTENT WITH THE DATES SET FORTH IN THAT TELECONFERENCE. PLEASE FIND ATTACHED BOTH WORD AND PDF VERSIONS OF THAT PROPOSED ORDER. ** PROPOSED ORDER ATTACHED **	08/02/2021	
11	01/18/2021 ORDER: IT IS HEREBY ORDERED 1. THE STATE SHALL FILE ITS ANSWERING BRIEF ADDRESSING PROCEDURAL DUE PROCESS AND WHETHER STRICT SCRUTINY OR RATIONAL BASIS APPLIES TO THE MOTIONS EQUAL PROTECTION AND SUBSTANTIVE DUE PROCESS ARGUMENTS ON OR BEFORE FEBRUARY 1, 2021 2. DEFENDANT SHALL FILE ITS REPLY BRIEF RESPONDING TO THE STANDARD ANSWER ON OR BEFORE FEBRUARY 8, 2021 3. ORAL ARGUMENT ADDRESSING PROCEDURAL DUE PROCESS AND WHETHER STRICT SCRUTINY OR RATIONAL BASIS APPLIES SHALL BE HELD ON FEBRUARY 17, 2021 AT 10:00 AM; 4. THE STATE SHALL FILE ITS ANSWER IDENTIFYING ITS EXPERT AND RESPONDING TO APPLICATION OF STRICT SCRUTINY OR RATIONAL BASIS TO THE FACTS OF THE CASE (THE ANSWER APPLICATION) WITHIN THE FOURTEEN CALENDAR DAYS OF THE COURT'S RULING ON THE APPLICABLE STANDARD; AND 5. DEFENDANT SHALL INFORM THE COURT AND STATE IN WRITING WITHIN THREE BUSINESS DAYS OF THE FILING OF THE APPLICANT ANSWER WHETHER IT INTENDS TO FILE A REPLY	01/19/2021	SALOMONE JANINE M
13	01/25/2021	01/25/2021	

State of Delaware v. TYRESE BURROUGHS DOB: 1999
State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

No.	Event Date	Docket Add Date	Judge

	ADDRESS THIS MATTER DIRECTLY WITH MR. BURROUGHS AND THE COURT WILL TAKE NO FURTHER ACTION ON HIS MOTION.		
17	02/25/2021	02/26/2021	
	LETTER FROM ELLIOT MARGULES, ESQ. TO COMM. MAYER RE: FOLLOW UP TO TODAY'S ORAL ARGUMENTS IN THE ABOVE-CAPTIONED CASE ADDRESSING HOW THE THIRD CIRCUIT'S DECISION IN HOLLAND V. ROSEN FITS INTO DEFENDANT'S SUBSTANTIVE DUE PROCESS ANALYSIS SPECIFICALLY, DEFT'S. POSITION THAT PRETRIAL LIBERTY IS A FUNDAMENTAL RIGHT.		
	03/08/2021	03/08/2021	MAYER KATHARINE L
	ZOOM HEARING HELD ON 03/08/21 DEFENSE TO SUBMIT EXPERT'S REPORT THE STATE WILL THEN HAVE 2 WEEKS TO RESPOND BY FILING A FINAL BRIEF. HEARING WILL THEN BE SCHEDULED FOR EXPERT TESTIMONY AND CLOSING ARGUMENTS		
20	03/12/2021	04/07/2021	
	TRANSCRIPT FILED. BEFORE: COMMISSIONER LYNNE M. PARKER BAIL MOTION TRANSCRIPT JAN 5, 2021 TYSHA M. HACKETT, RMR, CRR		
18	03/24/2021	03/29/2021	
	TRANSCRIPT FILED. BEFORE: THE HONORABLE KATHARINE L. MAYER ORAL ARGUMENT FEB 25, 2021 VALERIE L. PATRICK, RPR, CCR		
19	03/25/2021	03/30/2021	
	MOTION FOR DUE PROCESS FILED. FILED PRO SE FORWARD IN EMAIL TO ALANNA FARBER , ESQ ON 03/30/2021 LAWYER ON FILE. LETTER TO FILE.		
45	03/25/2021	07/22/2021	
	EMAIL FILED TO: JUDGE MAYER FROM: ELLIOT MARGULES, ESQ. I AM WRITING TO ENSURE THE COURT IS AWARE OF AN UPDATE REGARDING PRECEDENT ADDRESSED IN BOTH PARTIES' BRIEFING AND AT ORAL ARGUMENTS. SPECIFICALLY, IN RE HUMPHREY, A 2018 CALIFORNIA COURT OF APPEALS DECISION. 19 CAL. APP. 5TH 1006(2018). TODAY, THE CALIFORNIA SUPREME COURT ISSUED A DETAILED OPINION, AFFIRMING THAT OF THE COURT OF APPEALS. I HAVE ATTACHED TODAY'S DECISION FOR THE COURT'S CONSIDERATION. ***DECISION IN FILE***		
44	03/30/2021	07/22/2021	

State of Delaware v. TYRESE BURROUGHS DOB: 1999
State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

No.	Event Date	Docket Add Date	Judge

	EMAIL FILED TO: JUDGE MAYER FROM: ELLIOT MARGULES ALL PUBLICATIONS REFERENCED AND/OR RELIED UPON IN PROFESSOR COPP'S PREVIOUSLY SENT REPORT ARE ATTACHED HERETO. I ATTEMPTED TO SEND THESE PREVIOUSLY BUT RECEIVED AN EMAIL THAT THE FILES WERE TOO LARGE. ***INCLUDES ELEVEN ATTACHMENTS***		
54	03/30/2021	08/06/2021	
	EMAIL FILED TO: COMMISSIONER MAYER FROM: ELLIOT MARGULES, ESQ. COMMISSIONER MAYER, ATTACHED PLEASE FIND THE REPORT OF DEFENSE EXPERT JENNIFER COPP, ALONG WITH ACCOMPANYING EXHIBITS. RESPECTFULLY SUBMITTED, ELLIOT MARGULES		
23	04/30/2021	04/30/2021	MAYER KATHARINE L
	MOTION FOR CONSTITUTIONALITY OF BAIL BRIEF TO EXTEND THE BRIEF FROM THE 35 PAGE LIMITATION TO 40 PAGES IS GRANTED		
42	05/03/2021	07/21/2021	
	STATE'S SECOND RESPONSE TO DEFENDANT'S MOTION FOR NON-FINANCIAL CONDITIONS OF RELEASE ADDRESSING FILED. FILED BY: JORDAN BRAUNSBURG, DAG.		
55	05/03/2021	08/06/2021	
	EMAIL FILED TO: COMMISSIONER MAYER FROM: JORDAN BRAUNSBURG, DAG. PLEASE FIND ATTACHED THE STATE'S ANSWER REGARDING STANDARD APPLICATION. THERE IS NO CURRENTLY CONTEMPLATED REPLY BRIEFING (ALTHOUGH YOUR HONOR HAS STATED ONE IS AVAILABLE SHOULD MR. MARGULES WISH IT), NOR IS THERE A CONTEMPLATED ORAL ARGUMENT DATE. COUNSEL IS AVAILABLE AT YOUR HONOR'S CONVENIENCE TO ADDRESS ANY MATTERS.		
24	05/05/2021	05/05/2021	
	LETTER FROM ELLIOT MARGULES, ESQ. TO JUDGE LEGROW RE: YOUR HONOR PREVIOUSLY ASSIGNED DEFENDANT'S CONSTITUTIONAL CHALLENGES TO DELAWARE'S BAIL PROCESS, FILED IN THE ABOVE CAPTIONED CASE TO FORMER COMMISSIONER (NOW JUDGE) MAYER. GIVEN HER HONOR'S RECENT CONFIRMATION AS JUDGE ON THE CCP, I AM WRITING TO INQUIRE IF YOUR HONOR HAS DETERMINES WHO WILL BE HANDLING THIS MATTER GOING FORWARD...		
25	05/05/2021	05/06/2021	LEGROW ABIGAIL M
	LETTER FROM JUDGE LEGROW TO COUNSEL RE: THANK YOU FOR YOUR LETTER. PLEASE BE ASSURED THAT THIS CASE IS ON JUDGE MAYER'S AND MY RADAR SCREENS. I SPOKE WITH PRESIDENT JUDGE JURDEN YESTERDAY ABOUT THE POSSIBILITY OF HAVING JUDGE MAYER CROSS-DESIGNATED AS A SUPERIOR COURT JUDGE SO SHE CAN CONTINUE TO HEAR AND DECIDE THIS CASE. JUDGE MAYER AND I WILL KEEP YOU POSTED ONCE WE HAVE ANY ADDITIO		

State of Delaware v. TYRESE BURROUGHS DOB: 1999
State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

No.	Event Date	Docket Add Date	Judge
	Event		

	HEARING TO DISCUSS STATUS OF CASE AND CONFIRM BAIL HEARING W/EXPERT WITNESS ON 06/17/21 AT 2 PM. STATE WILL NOT BE PRESENTING EXPERT WITNESS AND WILL NOT PRESENTING DELAWARE-SPECIFIC CASES. DEADLINE FOR DEFENSE RESPONSE TO STATE'S SUBMISSION IS END OF DAY ON 06/14/21. DAG COUNSEL: BRAUNSBURG AND BUCKWORTH DEF COUNSEL: MARGULES AND FARBER CR: MADRACK CC: V.MISETIC AND BRYCE GATES/LAW CLERK		
31	06/07/2021	06/17/2021	
	EMAIL FILED FROM VICTORIA MISETIC RE: JUDGE MAYER WANTED ME TO FOLLOW-UP REGARDING THE SUBMITTED MOTION TO DISMISS, AS IT WAS NOT DISCUSSED ON FRIDAY DURING THE ZOOM CONFERENCE. HOW DOES COUNSEL PLAN TO PROCEED WITH THIS ITEM?		
32	06/11/2021	06/17/2021	
	EMAIL FILED FROM MATTHEW BUCKWORTH,DOJ THE CASE IS SCHEDULED TO BE INDICTED ON THE 7/6 GRAND JURY. I'M NOT SURE WHAT THE DEFENDANT'S POSITION IS GIVEN THAT REPRESENTATION, SO I WILL ALLOW THEM TO RESPOND.		
33	06/11/2021	06/17/2021	
	EMAIL FILED FROM FARBER, ALANNA (PDO) RE: I HAD A CALL WITH MR. BURROUGHS SCHEDULED FOR THIS PAST WEDNESDAY TO DISCUSS THIS MATTER WITH HIM; HOWEVER, THAT CALL WAS CANCELLED DUE TO SHORT STAFFING AT THE PRISON. I AM NOW SCHEDULED TO SPEAK WITH MR. BURROUGHS ON MONDAY, I BELIEVE. IF I COULD PLEASE HAVE UNTIL MONDAY TO CONFER WITH HIM AND RESPOND TO THE COURT WITH THE DEFENSE'S POSITION, I WOULD APPRECIATE IT.		
34	06/11/2021	06/17/2021	
	EMAIL FILED FROM: MISETIC, VICTORIA M (COURTS) RE: I SPOKE WITH JUDGE MAYER AND IT IS NO PROBLEM TO WAIT UNTIL MONDAY PLEASE FOLLOW UP WITH THE COURT AFTER CONFERRING WITH YOUR CLIENT. LET ME KNOW IF YOU HAVE ANY QUESTIONS OR IF I CAN PROVIDE ANYTHING FURTHER.		
43	06/14/2021	07/21/2021	
	DEFENDANT'S REPLY TO STATE'S APPLICATION ANSWER FILED. FILED BY: ELLIOT MARGULES, ESQ.		
36	06/21/2021	06/25/2021	
	INDICTMENT, TRUE BILL FILED. NO.20 SCHEDULED FOR		
35	06/22/2021	06/22/2021	
	TRANSCRIPT FILED. BEFORE: THE HONORABLE KATHARINE L. MAYER ZOOM STATUS CONFERENCE TRANSCRIPT		

SUPERIOR COURT CRIMINAL DOCKET
(as of 04/14/2022)

State of Delaware v. TYRESE BURROUGHS DOB: 1999
 State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
 Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

No.	Event Date Event	Docket Add Date	Judge

	JUN 4, 2021		
	PAMELA A. MADRACK, CSR, RPR		
37	06/30/2021	06/30/2021	
	STATE'S RESPONSE TO DEFENDANT'S REPLY TO STATE'S APPLICATION ANSWER FILED. FILED BY MATTHEW BUCKWORTH, DAG		
	EMAIL TO V. MISETIC FOR JUDGE MAYER ON 06/30/2021		
39	07/08/2021	07/08/2021	
	DEFENDANT'S RESPONSE TO STATE'S SUPPLEMENTAL RESPONSE FILED FILED BY ELLIOT MARGULES, ESQ.		
	FORWARD TO JUDGE MAYER ON 07/08/2021 BY EMAIL.		
40	07/08/2021	07/09/2021	MAYER KATHARINE L
	BAIL HEARING HELD BEFORE JUDGE MAYER.		
	A HEARING WAS HELD TO HEAR EXPERT TESTIMONY AND ORAL ARGUMENTS ON THE DEFENDANT'S PENDING MOTION FOR NON-FINANCIAL CONDITIONS OF RELEASE, DOCKET #6, AND SUBSEQUENT FILINGS. THE COURT RECOGNIZES AND APPRECIATES THE EXTENSIVE AND WELL WRITTEN BRIEFINGS PROVIDED BY COUNSEL IN RELATION TO THIS MOTION. AFTER HEARING EXPERT TESTIMONY, CROSS EXAMINATION OF THE EXPERT WITNESS, FURTHER QUESTIONING OF THE EXPERT WITNESS, SUBSEQUENT QUESTIONS TO COUNSEL AND THEIR RESPONSES TO THE COURT, CLOSING ARGUMENTS, AND ALL PRIOR MOTIONS, RESPONSES, AND BRIEFINGS PROVIDED BY COUNSEL THE COURT HAS DETERMINED THAT ==>> NO FURTHER BRIEFING IS NEEDED OR REQUIRED IN THIS MATTER AND WILL ISSUE A RULING AS TIMELY AS POSSIBLE. THE COURT WAS MADE AWARE OF THE DEFENDANT'S INDICTMENT AND SCHEDULED ARRAIGNMENT DATE OF 7/13/21 AND REQUESTED THAT IF DEFENSE COUNSEL PLANS TO MAKE ARGUMENTS FOR THE DEFENDANTS RELEASE AT THE ARRAIGNMENT CALENDAR THAT THE COURT AND OPPOSING COUNSEL BE NOTIFIED AS SOON AS POSSIBLE AND THAT THE JUDICIAL OFFICER PRESIDING OVER THE HEARING IS MADE COMPLETELY AWARE OF THE PENDING MATTER IN THIS CASE.		
	DAG: MATTHEW BUCKWORTH DEF: ELLIOTT MARGULES		
	CR: MARIE LYNAM CC: AMANDA CALAHAN COURTROOM 6F AND USE OF ZOOM		
	07/13/2021	07/13/2021	SALOMONE JANINE M
	ARRAIGNMENT CALENDAR - DEFENDANT WAIVED READING; ENTERED PLEA OF NOT GUILTY; JURY TRIAL DEMANDED - ALANNA FARBER, ESQ.		
	07/13/2021	07/13/2021	SALOMONE JANINE M
	BAIL REDISTRIBUTED. BAIL SET AT		
	CASH BAIL 110,501.00		
41	07/13/2021	07/13/2021	SALOMONE JANINE M
	COMMITMENT TO DEPARTMENT OF CORRECTION.		
	EMAILED TO DOC		
46	07/29/2021	07/29/2021	
	BAIL HEARING TRANSCRIPT FILED.		

State of Delaware v. TYRESE BURROUGHS DOB: 1999
State's Atty: MATTHEW C BUCKWORTH , Esq. AKA: TYRESE J BURROUGHS
Defense Atty: ALANNA R FARBER , Esq. TYRESE J BURROUGHS

No.	Event Date	Docket Add Date	Judge

	FILED BY ELLIOT MARGULES, ESQ. THE COMMISSIONER'S ORDER SHOULD BE VACATED, AND ALL FINANCIAL CONDITIONS OF BURROUGH' BAIL SHOULD BE REMOVED. FORWARD TO JUDGE LEGROW ON 10/01/2021		
61	10/29/2021	10/29/2021	
	TRANSCRIPT FILED. BEFORE: THE HONORABLE J. KATHERINE L. MAYER BAIL HEARING JULY 8, 2021 MARIE C. LYNAM, RPR, CCR		
62	12/01/2021	12/07/2021	
	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR REVIEW OF COMMISSIONER'S ORDER. FILED BY MATTHEW BUCKWORTH, DAG THE STATE SUBMITS THAT THIS COURT SHOULD DENY BURROUGHS' CLAIMS AND ADOPT THE COMMISSIONER'S ORDER TO THE EXTENT THAT IT SUPPORTS THE CONCLUSTION THAT RELIEF IS UNWARRANTED.		
	12/02/2021	12/02/2021	SCOTT CALVIN L JR
	CASE REVIEW CALENDAR: SET FOR FINAL CASE REVIEW - DATE TO BE DETERMINED.		
63	12/22/2021	12/23/2021	
	MOTION TO SUPPRESS FILED FILED BY ALANNA FARBER, ESQ.		
64	02/14/2022	02/15/2022	LEGROW ABIGAIL M
	DEAR MR. BUCKWORTH, I RECEIVED THE STATE'S RESPONSE TO DEFENDANT'S MOTION FOR REVIEW OF COMMISSIONER'S ORDER. IN ITS RESPONSE, THE STATE CONTENDS THAT EVEN UNDER "A CLEAR AND CONVINCING STANDARD, BURROUGH'S ARGUMENT STILL FAILS." IT WOULD BE HELPFUL TO THE COURT IF THE STATE WOULD PROVIDE SUPPLEMENTAL BRIEFING EXPLAINING ITS POSITION THAT DELAWARE'S BAIL STATUTE, AS APPLIED TO BURROUGHS, WITHSTANDS STRICT SCRUTINY REVIEW. THE STATE SHALL SUBMIT ITS RESPONSE BEFORE 03/01/22. AFTER REVIEWING THE STATE'S SUBMISSION, THE COURT WILL ISSUE ITS RULING ON DEFENDANT'S MOTION FOR REVIEW. IT IS SO ORDERED. SINCERELY, JUDGE LEGROW. ***SEE FULL ORDER IN DEFENDANT'S FILE.***		
65	02/14/2022	02/15/2022	
	EMAIL FILED TO: COUNSEL FROM: PAIGE ROOT {SECRETARY TO JUDGE LEGROW} RE: CORRECTED DEAR COUNSEL, THE ATTACHED LETTER NOW INCLUDES TODAY'S DATE AT THE TOP. PLEASE DISREGARD THE ATTACHMENT IN MY PREVIOUS E-MAIL. I APOLOGIZE FOR ANY CONFUSION. THE CORRECTED LETTER AND THIS E-MAIL WILL BE SENT TO PROTHONOTARY FOR DOCKETING. ***SEE FULL E-MAIL IN DEFENDANT'S FILE.***		
66	03/03/2022	03/05/2022	

