

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LLOYD L. ANDERSON,	§
	§
Defendant Below,	§
Appellant,	§ No. 364, 1999
	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware in and
STATE OF DELAWARE,	§ for New Castle County
	§ Cr.A. Nos. IN96-12-0523-0525
Plaintiff Below,	§ IN96-12-1107
Appellee.	§

Submitted: February 29, 2000

Decided: March 7, 2000

Before WALSH, HOLLAND, and HARTNETT, Justices.

ORDER

This 7th day of March 2000, upon consideration of the briefs of the parties the Court concludes that:

(1) The appellant, Lloyd L. Anderson (“Anderson”) appeals from his conviction in the Superior Court, following a jury trial, of Trafficking in Marijuana and Possession with Intent to Deliver Marijuana. Anderson asserts a single claim of error: that the trial court admitted certain “bad acts” evidence that was not relevant to the charged offenses and whose probative value was far outweighed by its prejudicial effect. We find no merit to the claim and affirm the judgment of conviction.

(2) Anderson's arrest resulted from the interception by Federal Express of a package containing approximately ten pounds of marijuana. When this interception was reported to the Delaware State Police, a surveillance was arranged and police arrested a woman, Shantel Wright ("Wright"), who claimed the package. When Wright was arrested, she agreed to cooperate with the police. She advised the police that she was asked to pick up the package by a friend, Juanita Masten ("Masten"), but that ultimately the package was to be delivered to Anderson. At the request of the police, Wright delivered the package to Anderson's place of business. Anderson was arrested when he received the package.

(3) At trial, the State introduced portions of Wright's recorded statement, under 11 *Del. C.* § 350, describing Anderson's participation in a series of drug shipment transactions with Masten. The evidence was admitted after Anderson's trial counsel cross-examined Wright concerning her relationship with Masten. The defendant objected to the introduction of evidence of other drug shipment transactions involving Masten and Anderson as impermissible bad acts evidence. The trial court, after applying the

guidelines announced by this Court in *Getz v. State*, Del. Supr., 538 A.2d 726, 734 (1988), ruled the evidence admissible.

(4) The trial court's ruling was clearly correct. Evidence of Anderson's prior dealings with Masten, as observed by Wright, including joint participation in the packaging and shipping of drugs, was clearly relevant to Anderson's planning of a continuing scheme for using third parties to secure drug shipments for his use. *See Kornbluth v. State*, Del. Supr., 580 A.2d 556, 559 (1990). We are satisfied that the trial court properly conducted the *Getz* analysis by admitting such evidence. Even apart from the admissibility of such evidence under D.R.E. 404(b), such evidence could also be deemed admissible as "inextricably intertwined" with the charges under consideration at trial. *Pope v. State*, Del. Supr., 632 A.2d 73, 76 (1993). Analysis under *Pope*, however, is unnecessary if the evidence is admissible under D.R.E. 404(b). *See id.*

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh
Justice