

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VINCENT CLEVELAND,)
) No. 445, 2003
Defendant Below)
Appellant,) Court Below: Superior Court
) of the State of Delaware in
v.) and for New Castle County
)
STATE OF DELAWARE,) Cr. A. Nos. IN03011921 and
) IN03011922
Plaintiff Below,)
Appellees.)

Submitted: January 6, 2004

Decided: January 27, 2004

Before **VEASEY**, Chief Justice, **BERGER**, and **STEELE**, Justices.

ORDER

This 27th day of January 2004, upon consideration of the briefs of the parties, it appears to the Court as follows:

1. On January 10, 2002, Wilmington police detective Richard Armover received a telephone call from an identified citizen informant concerning a drug deal that would occur later that day. The informant explained that defendant-appellant Victor Cleveland would arrive at building 605 of the Bethel Villa Apartments in a white Honda driven by a African-American female and would take delivery of a large amount of cocaine. The informant met with Detective Armover, viewed a “mug shot,” and positively identified Cleveland.

2. The police set up surveillance at the Bethel Villa Apartments. Cleveland arrived at the apartment complex, as it had been alleged that he would, in a white Honda driven by an African-American female. The unidentified female entered building 605 and returned to the car carrying a package. The white Honda proceeded to Rodney Square where the informant said that Cleveland would catch a bus to Claymont. As defendant was in line to board a bus, police approached, detained him, and discovered a large quantity of cocaine in a package in his coat pocket.

3. Cleveland contends that the trial judge abused his discretion when he denied Cleveland's motion to suppress. He claims that the search and seizure violated the U.S. and Delaware Constitutions. We first review for legal error. We also review to determine whether the trial judge's factual findings are the result of a logical and orderly deductive process.¹

4. In the matter *sub judice*, the trial judge properly applied the law to the facts of the case. The totality of the circumstances before the trial judge was sufficient to support a finding that the police had probable cause to search Cleveland.² First, the non-anonymous citizen informant's tip was presumptively reliable.³ Further, the tip was detailed and predictive and the police corroboration

¹ *Downs v. State*, 570 A.2d 1142, 1144 (Del. 1990).

² *Illinois v. Gates*, 462 U.S. 213 (1983).

³ *Bailey v. State*, 440 A.2d 997, 999 (Del. 1982).

extensive.⁴ Accordingly, the trial judge acted appropriately within his discretion when he denied Cleveland's motion to suppress.

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

/s/ Myron T. Steele
Justice

⁴ *Alabama v. White*, 496 U.S. 325 (1990) (detailed tip that predicts a suspect's future conduct has indicia of reliability).