

SUPREME COURT OF THE STATE OF DELAWARE

Milligan v. State

116 A.3d 1232 (Del. 2015) · No. No. 173, 2014 · Decided June 10, 2015

SUMMARY

The Delaware Supreme Court affirmed April Milligan’s convictions for driving under the influence and improper lane change. The court held that admitting chain-of-custody documents without live testimony from every person who possessed the blood sample did not violate the Sixth Amendment Confrontation Clause. The court also held that the trial court did not abuse its discretion in admitting the blood-test results, because alleged chain-of-custody inconsistencies affected the evidence’s weight rather than its admissibility.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Justice Vaughn; Holland; Valihura; Vaughn
JURISDICTION	Delaware
DECIDED	June 10, 2015
DOCKET	No. 173, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Milligan appealed her Superior Court convictions for Driving Under the Influence and Improper Lane Change, challenging the admission of chain-of-custody documents and the foundation for admitting her blood-test results.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion; if an abuse of discretion is found, the court determines whether significant prejudice denied the accused a fair trial. Alleged constitutional violations related to evidentiary rulings are reviewed de novo.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion; precedential
PARTIES	April Milligan v. State of Delaware

TOPICS

- sixth amendment
- criminal procedure
- evidence
- authentication
- appellate procedure

PRACTICE AREAS

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether admission of chain-of-custody documentation without live testimony from every person who possessed the blood sample violated the Sixth Amendment Confrontation Clause.
2. Whether the Superior Court abused its discretion by admitting Milligan's blood-test results despite alleged chain-of-custody and foundational deficiencies, including an unsigned possession log, an allegedly inconsistent report signature, the analyst's incomplete recollection, an incorrect autosampler date, and uncertainty about who prepared control samples.

HOLDINGS

1. The Sixth Amendment Confrontation Clause does not require every individual who possessed or handled physical evidence to provide live testimony when the evidence is offered solely to establish chain of custody. Delaware's chain-of-custody statute therefore was not unconstitutional as applied here.
2. The Superior Court did not abuse its discretion by admitting the blood-test results because the State established a reasonable probability that the sample was not misidentified or adulterated and provided a sufficient foundation for the test results.

KEY QUOTATIONS

“The Sixth Amendment Confrontation Clause does not require each and every individual who possessed the evidence to provide live testimony in order to establish chain of custody.” (at 13)

“We have never interpreted [Delaware's chain of custody law] as requiring the State to produce evidence as to every link in the chain of custody.” (at 17)

FACTUAL BACKGROUND

After a motorist reported a damaged vehicle and debris, Trooper Jordan Rollins responded and obtained a warrant for Milligan's blood draw. A phlebotomist drew Milligan's blood, Rollins transported and sealed the blood kit, and the kit was later received and analyzed at the Delaware State Police Crime Lab by laboratory personnel. The blood analysis showed a blood alcohol concentration of 0.15 percent, and the State introduced chain-of-possession documents and the blood-analysis report at trial.

PROCEDURAL HISTORY

Milligan was indicted in the Superior Court for third-offense Driving Under the Influence, Failure to Have Insurance Card in Possession, and Improper Lane Change. Following a one-day jury trial, she was convicted of Driving Under the Influence and Improper Lane Change. The Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Stafford v. State*, 59 A.3d 1223 (Del. 2012)
- *Fuller v. State*, 860 A.2d 324, 329 (Del. 2004)
- *Howard v. State*, 549 A.2d 692, 693 (Del. 1988)
- *Johnson v. State*, 878 A.2d 422, 425 (Del. 2005)
- *Seward v. State*, 723 A.2d 365, 372 (Del. 1999)
- *Smith v. State*, 913 A.2d 1197, 1234 (Del. 2006)
- *Flonnory v. State*, 893 A.2d 507, 515 (Del. 2006)
- *Demby v. State*, 695 A.2d 1127, 1131 (Del. 1997)
- *Tatman v. State*, 314 A.2d 417, 418 (Del. 1973)
- *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009)
- *Pointer v. Texas*, 380 U.S. 400, 403 (1965)
- *Crawford v. Washington*, 541 U.S. 36 (2004)
- *Davis v. Washington*, 547 U.S. 813 (2006)
- *Bullcoming v. New Mexico*, 131 S. Ct. 2705 (2011)
- *Martin v. State*, 60 A.3d 1100 (Del. 2013)
- *United States v. Ortega*, 750 F.3d 1020, 1025-26 (8th Cir. 2014)
- *United States v. Young*, 510 F. App'x 610, 611 (9th Cir. 2013)
- *United States v. Johnson*, 688 F.3d 494, 505 (8th Cir. 2012)
- *Vann v. State*, 229 P.3d 197, 211 (Alaska Ct. App. 2010)
- *Tricoche v. State*, 525 A.2d 151, 153 (Del. 1987)