

SUPREME COURT OF THE STATE OF DELAWARE

Finney v. State

No. 282, 2024 · No. No. 282, 2024 · Decided January 28, 2026

SUMMARY

The Delaware Supreme Court affirmed Artezz Finney’s conviction for possession of a firearm by a person prohibited. The court held that Finney waived appellate review of Fourth Amendment challenges to the vehicle stop and inventory search because those grounds were not raised in his pretrial suppression motion. The court declined to conduct plain-error review because the evidentiary record was underdeveloped as a result of the default.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Chief Justice Seitz; Justice Valihura; Justice Traynor; Justice Legrow; Justice Griffiths
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	January 28, 2026
DOCKET	No. 282, 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a conviction for possession of a firearm by a person prohibited. The appellant raised Fourth Amendment suppression arguments for the first time on appeal after the Superior Court had considered only a Fifth Amendment Miranda-based suppression motion.
STANDARD OF REVIEW	Appellate review of suppression claims is generally unavailable when the issue was not raised in a pretrial motion to suppress under Superior Court Criminal Rule 12, absent limited circumstances. The court declined plain-error review because the procedural default left the evidentiary record underdeveloped and unfairly deprived the State of an opportunity to develop the record.
PRECEDENTIAL VALUE	Published, en banc Delaware Supreme Court opinion
PARTIES	Artezz Finney v. State of Delaware

TOPICS

suppression of evidence

fourth amendment

preservation of error

appellate procedure

criminal procedure

PRACTICE AREAS

criminal procedure

appellate procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether Finney's Fourth Amendment challenge to the officers' stop of his vehicle was waived because it was not raised in his pretrial motion to suppress.
2. Whether Finney's Fourth Amendment challenge to the inventory search was waived because it was not raised in his pretrial motion to suppress.
3. Whether the Supreme Court should review the newly raised Fourth Amendment claims for plain error.

HOLDINGS

1. A defendant who files a suppression motion narrowly focused on a Miranda violation waives appellate review of separate Fourth Amendment claims concerning the vehicle stop and inventory search when those claims were not raised in the pretrial motion.
2. The court will not engage in plain-error review when the defendant's failure to raise the suppression grounds before trial effectively prevented the State from developing an evidentiary record relevant to those grounds.

KEY QUOTATIONS

“For the reasons we recently set forth in Swanson, we conclude that Finney has waived appellate review of his Fourth Amendment claims.” (5)

“Were we to proceed in this manner, the unfairness to the State would be manifest. Hence, we decline to do so.” (6)

FACTUAL BACKGROUND

Police officers observed Finney seated in the driver's seat of a parked vehicle holding a silver firearm. After officers approached with weapons drawn, an officer asked where the gun was, and Finney gestured toward the rear of the vehicle and made additional statements. An inventory search at the police department located a silver firearm behind the driver's seat. Finney was charged with possession of a firearm and ammunition by a person prohibited, convicted of the firearm charge, and sentenced to incarceration followed by probation.

PROCEDURAL HISTORY

Finney moved before trial to suppress statements and physical evidence solely on the ground that police questioning violated the Fifth Amendment and Miranda. The Superior Court suppressed one statement but denied suppression of Finney's response concerning the gun and the firearm recovered during an inventory search. A jury convicted Finney of possession of a firearm by a person prohibited, and the Superior Court imposed a sentence of 15 years at Level V, suspended after 10 years for supervised probation. On appeal, Finney

asserted that the vehicle stop lacked reasonable suspicion and that the inventory search violated police procedures; the Supreme Court held those claims waived and affirmed.

DISPOSITION

affirmed

CASES CITED

- Miranda v. Arizona, 384 U.S. 436 (1966)
- Gregory v. State, 616 A.2d 1198, 1200-01 (Del. 1992)
- Swanson v. State, 2025 WL 3778943 (Del. Dec. 31, 2025)
- Suber v. State, 2026 WL 184867, at *4 (Del. Jan. 15, 2026)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE ARTEZZ FINNEY, § § No. 282, 2024 Defendant Below, § Appellant, § Court Below—Superior Court § of the State of Delaware v. § § ID No. 2306017062 (N) STATE OF DELAWARE, § § Appellee. § Submitted: October 29, 2025 Decided: January 28, 2026 Before SEITZ, Chief Justice; VALIHURA, TRAYNOR, LEGROW and GRIFFITHS, Justices, constituting the Court en banc.

ORDER This 28th day of January, 2026, after consideration of the parties’ briefs, the argument of counsel, and the record on appeal, it appears to the Court that: (1) Artez Finney seeks review of his conviction for possession of a firearm by a person prohibited. Finney claims that the Superior Court erred when it denied his motion to suppress evidence collected from his vehicle.

(2) On June 30, 2023, Sergeant Sean Nolan, Detective Jackson Rosembert, and SPO Justin Phelps of the Wilmington Police Department were on patrol on Montgomery Street in Wilmington. (3) Traveling northbound on Montgomery, the officers observed a black Chevrolet Malibu parked on the west side of the street.

As Sergeant Nolan drove past the black Malibu, he observed an individual, later identified as Finney, sitting in the front driver seat, holding a silver firearm in his right hand. Finney was the only occupant of the vehicle.

(4) Sergeant Nolan shared his observations with the other two officers and stopped the vehicle in front of the black Malibu. (5) Exiting from their vehicle, the officers drew their weapons and surrounded Finney’s vehicle. Detective Rosembert promptly radioed in the incident, indicating the presence of a “person with a gun.”¹ (6) SPO Phelps immediately recognized Finney from prior

police contacts.² As SPO Phelps opened Finney's door, he asked "Where is the gun?"³ Finney responded, "It's back there.

It's my wife's gun, not mine," and gestured toward the back of the vehicle.⁴ SPO Phelps removed Finney from the vehicle, then asked, "Damn it, Artezz, what are you doing?"⁵ to which Finney responded, "I just seen it. I picked it up. Like what the hell."⁶ 1 App. to Opening Br. at A16, A50, A63. 2 Id. at A16, A44. 3 Id. at A44, A57, A63. 4 Id. at A57, A63. 5 Id. at A41, A46, A64, A69.

6 Id. at A57–58, A70. 2 (7) A large crowd began to walk toward the scene. For safety reasons, the officers transported Finney and his Chevy Malibu to the Wilmington Police Department. (8) An inventory search of the Chevy Malibu at the Wilmington Police Department uncovered a silver SIG.45 caliber firearm from the rear floorboard behind the driver's seat.

(9) The officers arrested Finney, and a Superior Court grand jury eventually indicted him on charges of possession of a firearm by a person prohibited ("PFBPP") and possession of ammunition by a person prohibited ("PABPP").

(10) Before trial, Finney moved to suppress all statements and evidence seized as a result of his arrest. The sole ground for Finney's motion was an alleged Fifth Amendment violation. More specifically, Finney contended that the exchange between SPO Phelps and Finney described above regarding the location of the gun constituted custodial interrogation. And because the officers had not yet informed Finney of his Miranda⁷ rights, the police officers' questioning was—or so argued Finney—a violation of his right against self-incrimination.

According to Finney, the officers "utilized the information elicited by the illegal information to arrest [Finney] and seize and search the vehicle."⁸ As a result, Finney argued to the trial court that 7 *Miranda v. Arizona*, 384 U.S. 436 (1966). 8 App. to Opening Br. at A11. 3 the answers he provided and the gun found during the vehicle search should be suppressed.

(11) The Superior Court scheduled a suppression hearing to take evidence and consider Finney's motion. At the hearing, Finney announced that he was "not contesting any of the facts,"⁹ meaning that the only evidence that the court would review was the officers' body camera footage.

Having reviewed the footage and heard counsel's argument, the court denied Finney's motion as to his answer to SPO Phelps's question concerning the location of the gun as well as to the recovered gun. The court did, however, suppress Finney's answer to the officer's follow-up question, which elicited Finney's admission that he picked up the gun.

(12) In the trial that followed, the jury found Finney guilty of PFBPP but not guilty of PABPP. The Superior Court sentenced Finney to 15 years of Level V incarceration, suspended after 10 years for 18 months of Level III supervised probation.

(13) In this appeal, Finney does not contest the Superior Court’s denial of his motion to suppress. Instead, he forwards two new arguments, both grounded in the Fourth Amendment. He now argues that the officers’ stop of his vehicle was unsupported by reasonable and articulable suspicion and thus unlawful. This, Finney argues, means that “anything recovered as a result should have been 9 Id. at A31–32.

4 suppressed.”¹⁰ Finney argues separately that “the subsequent inventory search was not conducted in accordance with standard police regulations and procedure” ¹¹ and that, consequently, the court should not have admitted the gun found during the search. Neither of these grounds was raised in Finney’s motion to suppress, and the State offered no evidence or argument relevant to these grounds at Finney’s suppression hearing.

(14) In his opening brief, Finney did not address his failure to raise in the trial court the suppression issues he now asks us to address. And when the State in its answering brief pointed out that Finney had not fairly presented the issues to the trial court, Finney responded that “[t]he motion to suppress, standing alone, preserved the issue[s] on appeal.”¹² In the alternative, Finney urges us to review his newly minted arguments under our plain-error review standard.¹³ 10 Opening Br. at 1.

11 Id. 12 Reply Br. at 1 (quoting *Gregory v. State*, 616 A.2d 1198, 1200–01 (Del. 1992)). *Gregory* is plainly inapposite. In that case, the defendant moved to suppress evidence found in a search of his apartment on the grounds that the police violated “the constitutional requirements of knock and notice.” The trial court denied the defendant’s motion, and when he raised it on appeal, the State contended that he waived the issue because he did not separately object to the evidence when it was admitted at trial.

Given that context, the statement Finney quotes is stripped of any relevance in this case. 13 Reply Br. at 2. 5 (15) For the reasons we recently set forth in *Swanson v. State*,¹⁴ we conclude that Finney has waived appellate review of his Fourth Amendment claims.

In *Swanson*, we hewed to Superior Court Criminal Rule 12 and held that, except in limited circumstances, the failure to move to suppress evidence before trial will result in a waiver of appellate review of the issues that are properly included in a motion to suppress.

To be sure, in *Swanson*, the defendant, unlike Finney here, did not file any motion to suppress. But *Swanson*’s logic applies with equal force in this case. Finney’s motion in the trial court was narrowly focused on an alleged *Miranda* violation.

Thus, during the suppression hearing, the State had no reason, except in some tangential sense, to present evidence relevant to Finney’s current Fourth Amendment claims. (16) By not raising his Fourth Amendment claims in a pretrial motion to suppress, Finney has ensured that the evidentiary

record relevant to his claims is underdeveloped. Yet he would require the State to defend the officers' conduct on that record, the inadequacy of which is a product of Finney's default.

Were we to proceed in this manner, the unfairness to the State would be manifest. Hence, we decline to do so. 14 __ A.3d ___, 2025 WL 3778943 (Del. Dec. 31, 2025); see also Suber v. State, __ A.3d. ___, 2026 WL 184867, at *4 (Del. Jan. 15, 2026) (“[W]hen the failure to object to the admissibility of evidence ‘effectively precluded the State from establishing an evidentiary record,’ we do not engage in plain error review.” (quoting Swanson, 2025 WL 3778943, at *3)).

6 NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be AFFIRMED.
BY THE COURT: /s/ Gary F. Traynor Justice 7