

SUPREME COURT OF DELAWARE

Dabney v. State

953 A.2d 159 (Del. 2008) · No. No. 120, 2007 · Decided May 23, 2008

SUMMARY

The Supreme Court of Delaware held that the State violated Chyanne Dabney’s constitutional right to a speedy trial by unnecessarily delaying DNA discovery and analysis while Dabney remained incarcerated because he could not post bail. Applying the four-factor Barker v. Wingo test, the court found that the delay was lengthy, attributable primarily to the State, and prejudicial due to Dabney’s prolonged pretrial incarceration. The court reversed Dabney’s conviction for second-degree rape and remanded for resentencing on the unchallenged companion convictions.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Steele, Chief Justice; Berger, Justice; Jacobs, Justice
JURISDICTION	Delaware
DECIDED	May 23, 2008
DOCKET	No. 120, 2007
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a Superior Court conviction for one count of Rape Second Degree and companion convictions. The defendant challenged the delay between arrest and trial as violating his constitutional right to a speedy trial.
STANDARD OF REVIEW	De novo review of claims alleging infringement of a constitutionally protected right.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Delaware
PARTIES	Chyanne Dabney v. State of Delaware

TOPICS

- speedy trial
- criminal procedure
- due process
- evidence
- suppression of evidence

PRACTICE AREAS

- criminal procedure
- constitutional law
- speedy trial
- evidence

QUESTIONS PRESENTED

1. Whether the 372-day delay between arrest and trial violated Dabney's right to a speedy trial under the Sixth Amendment to the United States Constitution and Article I, Section 7 of the Delaware Constitution.
2. Whether the State's delay in obtaining and producing DNA analysis, together with the last-minute prosecutor substitution and resulting continuance, weighed against the State under the Barker v. Wingo balancing test.
3. What remedy was required for the speedy-trial violation affecting the Rape Second Degree charge.

HOLDINGS

1. The State violated Dabney's constitutional right to a speedy trial by causing an unnecessary and prejudicial delay of more than a year between arrest and trial on the contested Rape Second Degree charge.
2. Dabney preserved his speedy-trial claim even though counsel did not use the specific words 'speedy trial' or expressly invoke the federal or Delaware constitutional provisions.
3. The Rape Second Degree conviction must be reversed, the charge dismissed, and the case remanded for resentencing on the remaining unchallenged convictions.

KEY QUOTATIONS

“Most speedy trial violations result in dismissal of an indictment.” (163)

“The State's unilateral conclusions about the need for completeness of, and delays resulting from, DNA testing cannot give the State carte blanche for continuances.” (169)

“On the Rape Second Degree charge, the State violated his constitutional rights to a speedy trial.” (169)

FACTUAL BACKGROUND

Dabney was arrested on November 21, 2005, after police found photographs of his twelve-year-old daughter and a vibrator in his home; DNA testing identified DNA from Dabney and the victim on the vibrator. He remained incarcerated solely because he could not post bail while the State delayed trial, including by waiting nearly four months to submit DNA evidence for testing and failing to timely provide the court-ordered statistical analysis. Although the Superior Court had ordered a firm July 13, 2006 trial date, a last-minute prosecutor substitution and the unresolved DNA issue resulted in a further continuance. Dabney was not tried until 372 days after his arrest, and the State ultimately nolle prossed two of the three Rape Second Degree counts during trial.

PROCEDURAL HISTORY

Dabney was arrested on November 21, 2005, remained incarcerated in default of bail, and was indicted and later reindicted on multiple sexual-offense charges. The Superior Court continued the trial several times, principally because the State had not timely completed and produced DNA statistical analysis despite a court order setting a firm trial date. Trial occurred on November 28-30, 2006, and Dabney was convicted and sentenced to sixteen

years followed by probation. The Delaware Supreme Court reversed the Rape Second Degree conviction and remanded for dismissal of that charge and resentencing on the remaining convictions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Dismiss the Rape Second Degree charge and resentence Dabney on the remaining convictions.

CASES CITED

- Nelson v. State, 628 A.2d 69, 75 (Del. 1993)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- Keyser v. State, 893 A.2d 956, 959, 961 (Del. 2006)
- Barker v. Wingo, 407 U.S. 514, 530-31 (1972)
- Page v. State, 934 A.2d 891, 896 (Del. 2007)
- Miles v. State, 2006 Del. LEXIS 184, 2006 WL 1027202, at *2 (Del. 2006)
- Middlebrook v. State, 802 A.2d 268, 273, 276-77 (Del. 2002)
- Skinner v. State, 575 A.2d 1108, 1115 (Del. 1990)
- Johnson v. State, 305 A.2d 622, 623 (Del. 1973)
- Hughey v. State, 522 A.2d 335, 341 (Del. 1987)
- Doggett v. United States, 505 U.S. 647, 658 (1992)

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