

SUPREME COURT OF THE STATE OF DELAWARE

Baize v. Vincent

No. 30, 2016 · No. No. 30, 2016 · Decided October 10, 2016

SUMMARY

The Delaware Supreme Court affirmed a Superior Court judgment entered after a jury found Joseph and Danielle Vincent not liable for malicious prosecution and defamation. The court held that Baize’s evidentiary and subpoena arguments were not fairly presented below and did not warrant review under the interests-of-justice exception to Supreme Court Rule 8.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	James T. Vaughn, Jr.; Leo E. Strine, Jr., Chief Justice; Holland, Justice; James T. Vaughn, Jr., Justice
JURISDICTION	Delaware
DECIDED	October 10, 2016
DOCKET	No. 30, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Baize appealed after a jury verdict for the defendants in his malicious-prosecution and defamation action, challenging the exclusion of an expungement motion and the quashing of a subpoena.
STANDARD OF REVIEW	Under Delaware Supreme Court Rule 8, an issue not fairly presented to the trial court will not be considered on appeal unless the interests of justice require review. That exception is limited to material defects apparent on the face of the record that are basic, serious, and fundamental, clearly deprive a party of a substantial right, or clearly demonstrate manifest injustice.
PRECEDENTIAL VALUE	Not stated in the opinion
PARTIES	Michael R. Baize v. Joseph Vincent, Danielle Vincent

TOPICS

preservation of error

appellate procedure

judicial notice

evidence

torts

PRACTICE AREAS

appellate procedure

evidence

torts

civil procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court should consider Baize's argument that the expungement motion was admissible because it contained admissions by a party opponent when that argument was not presented to the trial court.
2. Whether the Supreme Court should consider Baize's challenge to the quashing of his subpoena when he did not object to the order in the trial court.
3. Whether the interests-of-justice exception to Delaware Supreme Court Rule 8 warranted review of either unpreserved claim.

HOLDINGS

1. The court would not consider the argument because Baize did not present it to the trial court and did not satisfy the demanding interests-of-justice exception to Supreme Court Rule 8.
2. The court would not consider the challenge because Baize did not object to the subpoena being quashed in the trial court and did not satisfy the interests-of-justice exception.

KEY QUOTATIONS

“Review of an alleged error under the interests of justice exception is “limited to material defects which are apparent on the face of the record; which are basic, serious and fundamental in their character, and which clearly deprive [a party] of a substantial right, or which clearly show manifest injustice.”” (¶ 9)

FACTUAL BACKGROUND

Following disputes concerning trust assets, Joseph Vincent and his wife accused Michael Baize of forging Joseph's name on six checks. Baize was arrested and charged with six counts of second-degree forgery, but the State entered a nolle prosequi on all counts and successfully obtained expungement of the arrest record. In Baize's later malicious-prosecution and defamation action, he sought to introduce the State's expungement motion and subpoenaed the deputy attorney general who prepared it; the trial court excluded the motion and quashed the subpoena.

PROCEDURAL HISTORY

Baize sued Joseph and Danielle Vincent in the Superior Court. After a jury found that the Vincents were not liable, Baize appealed. The Supreme Court held that his appellate arguments were not fairly presented below and affirmed the Superior Court's final judgment.

DISPOSITION

affirmed

CASES CITED

- Wainwright v. State, 504 A.2d 1096, 1100 (Del. 1986)

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