

SUPREME COURT OF THE STATE OF DELAWARE

Bussey v. State

Bussey v. State · No. No. 224, 2016 · Decided March 31, 2017

SUMMARY

The Delaware Supreme Court affirmed Tyrone Bussey’s convictions arising from a domestic disturbance. The court held that sufficient evidence supported convictions for aggravated menacing, possession of a firearm during the commission of a felony, and endangering the welfare of a child, including prior statements and recorded jail calls despite conflicting trial testimony. The court also concluded that the Superior Court implicitly denied Bussey’s motion for judgment of acquittal on the child-endangerment counts.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Leo E. Strine, Chief Justice; Holland, Justice; Vaughn, Justice
JURISDICTION	Delaware
DECIDED	March 31, 2017
DOCKET	No. 224, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bussey appealed from a Superior Court jury verdict finding him guilty of multiple offenses and from the denial, or implicit denial, of his motion for judgment of acquittal.
STANDARD OF REVIEW	The denial of a motion for judgment of acquittal is reviewed de novo. The court asks whether any rational trier of fact, viewing the evidence in the light most favorable to the State, could find the defendant guilty beyond a reasonable doubt of all elements of the offense.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion; precedential status is not otherwise specified in the opinion text.
PARTIES	Tyrone Bussey v. State of Delaware

TOPICS

- criminal procedure
- appellate procedure
- evidence
- standard of review
- burden of proof

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the State presented sufficient evidence to sustain Bussey's convictions for aggravated menacing of Shelton and Paul.
2. Whether the State presented sufficient evidence that Bussey possessed a firearm during the commission of aggravated menacing.
3. Whether the State presented sufficient evidence that Bussey committed a violent felony knowing that children of the family witnessed it by sight or sound, as required for endangering the welfare of a child.

HOLDINGS

1. The evidence was sufficient to sustain Bussey's aggravated-menacing convictions because the jury could credit Shelton's and Paul's prior statements that Bussey pointed a gun at them and threatened to kill them, and could reasonably infer that they were placed in fear of imminent physical injury.
2. The evidence was sufficient to sustain Bussey's convictions for possession of a firearm during the commission of aggravated menacing.
3. The evidence was sufficient to sustain the three convictions for endangering the welfare of a child because a rational trier of fact could find that Bussey committed a violent felony knowing that children in the family witnessed the conduct by sight or sound.

KEY QUOTATIONS

“Specifically, this court examines “whether any rational trier of fact, viewing the evidence in the light most favorable to the State, could find a defendant guilty beyond a reasonable doubt of all the elements of the crime.”” (¶ 18)

“In a jury trial, it is “the duty of the jury to determine if the State ha[s] proved each necessary element of the charges beyond a reasonable doubt and, in making such determination, it does not have to accept the total testimony of one witness. [T]he jury is the sole judge of the credibility of the witnesses and responsible for resolving conflicts in the testimony.”” (¶ 20)

FACTUAL BACKGROUND

Police responded to a domestic disturbance involving Bussey and Kolanda Shelton. Shelton and her son Paul initially told police that Bussey punched Shelton, pointed a firearm at both of them, threatened to kill them, and fled after discarding the firearm; neighbors also testified to seeing a man pointing a gun and dragging Shelton. At trial, Shelton and Paul recanted or materially changed portions of their accounts, but the State introduced their prior statements, recordings of Bussey attempting to influence Shelton's testimony, and evidence that children in the home witnessed or could hear the altercation.

PROCEDURAL HISTORY

Following a jury trial in the Superior Court, Bussey was convicted of, among other charges, two counts of aggravated menacing, two counts of possession of a firearm during the commission of a felony, and three counts of endangering the welfare of a child. The Superior Court formally denied his motion for judgment of acquittal as to some counts and did not formally rule on the remaining counts. The Delaware Supreme Court affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Cline v. State, 720 A.2d 891, 892 (Del. 1998)
- Tyre v. State, 412 A.2d 326, 330 (Del. 1980)