

# Prosecution of Juveniles with Guns as Adults Highlights Recent DOJ Developments

WILMINGTON, DE – The Department of Justice’s continuing efforts to target serious juvenile gun offenses has led to the decision to hear the gun-related cases of three local teenagers in Superior Court. The Attorney General recently began personally reviewing each new juvenile gun offense, and has directed that some offenses which would previously have been handled as delinquency cases in Family Court be treated instead as adult cases due to their severity and/or the defendant’s history with the criminal justice system.

After prevailing in a Family Court hearing, the illegal gun possession case of 17-year-old John Brisco was transferred to New Castle County Superior Court. Brisco, on probation for a previous person prohibited for felony ammunition charge, was arrested in February, after a picture on one of his social media sites allegedly showed him with a gun. A probation officer found a loaded 9mm semi-automatic handgun in the bedroom of his Wilmington home. Deputy Attorney General Mark Denney successfully argued in Family Court for the case to be transferred to Superior Court and tried as an adult case.

The cases of two other juveniles will also be heard in Superior Court. Based on the nature of their charges, a 16-year-old and 15-year-old will both be tried as adults. The two were allegedly involved in the armed robberies of a convenience store and a donut shop in New Castle in April of this year. The Department of Justice is not releasing the identities of the juveniles pending indictment until the Superior Court agrees to try them as adults.

**Trial success:**

Deputy Attorneys General Periann Doko and Julie Finocchiaro secured a conviction against Curtis Finney, 21, of New Castle, in a jury trial. During a traffic stop in August 2013, police found two loaded handguns, and 378 bags of heroin in a car driven by Finney. Finney was convicted of multiple counts of drug dealing, possession of a firearm during the commission of a felony, and possession of a firearm by a person prohibited. As a result, Finney will receive a minimum mandatory of 22 years in prison when sentenced later this year. Finney also received an 8-year prison sentence on his violation of probation in this case when prosecuted by Deputy Attorney General Mark Denney.

Deputy Attorney General John Taylor secured a conviction against 21-year-old Balisha White of New Castle in a jury trial, being found guilty of theft and resisting arrest. In August 2014, White broke into a home in the 2500 block of North Broom Street in Wilmington, stole items from the home, and then ran from police. White was immediately sentenced to a year in prison, suspended for a year's probation on each count.

Deputy Attorney General Zachary Rosen secured a conviction against Howard Walsh, 50, of Wilmington. Walsh was found guilty on three counts of possession of a firearm by a person prohibited, one count of possession of ammunition by a person prohibited, one count of carrying a concealed dangerous instrument, and one count of criminal impersonation. In October 2014, police responded to Miller's Gun Center in New Castle after receiving reports of a person with a gun wearing body armor. A woman purchased a gun and then gave it to Walsh, who then falsely told police he was a detective.

Deputy Attorney General Caroline Brittingham secured a conviction against Leroy Mitchell, 29, of Wilmington, for drug dealing and disregarding a police officer's signal, related to a chase with the Laurel Police Department. Mitchell drove away from police during a traffic stop, then after crashing through

a fence, fled on foot. When fleeing, he threw multiple logs of heroin that had been in a bag in his car.

Deputy Attorney General Kevin Gardner secured a guilty verdict against 56-year-old Stephen Shaw of Brookhaven, PA, for his third DUI offense. In March 2014, police found Shaw slumped over the steering wheel of his car in a parking lot in the 1200 block of Savannah Road in Lewes. Police noticed the smell of alcohol, and Shaw was unable to maintain his balance once getting out of the car. A subsequent blood draw showed his blood alcohol level to be .24.

### **Sentencing success:**

Deputy Attorney General Lindsay Taylor secured a 7-year prison sentence for 27-year-old Stephen Hoffrage of Dover, for third degree rape. Hoffrage met his 15-year-old victim on a social messaging app, and raped her at her home in Smyrna. As a result of his conviction, Hoffrage is now registered as a Tier III sex offender.

Deputy Attorney General John Taylor secured a plea from Barry White, 39, of Wilmington, for possession of a firearm by a person prohibited, and two violations of probation: one for drug dealing, the other for first degree assault. During a traffic stop in November 2014, officers noticed the smell of marijuana, and White admitted to having marijuana with him. Police also found White had a gun. The court sentenced White to 15 years suspended after 10 on the gun charge, 6 years suspended after 3 years on the assault, and re-imposed probation for the drug dealing.

Deputy Attorney General Jamie McCloskey secured a plea from 29-year-old Ralph Nock for home invasion and first degree robbery. In September 2014, Nock robbed two people at knife-point inside a home in the 100 block of Cross Avenue in New Castle. Nock was immediately sentenced to nine years in prison.

Deputy Attorney General Jamie McCloskey secured a plea from Scott Newcomer, 28, of New Castle, for second degree burglary and felony theft. In November 2014, Newcomer climbed through the window of a house in the unit block of Scottie Lane in New Castle, ransacked the house, and stole several items. Upon entering his plea, Newcomer was immediately to three years in prison.

Deputy Attorney General Timothy Maguire secured a plea from David Griffin, for a fourth DUI. Griffin was sentenced to 5 years in prison, suspended after nine months for one year supervised probation, as well as a \$3,000 fine, the Statutory DUI Course/loss of license and Transdermal Alcohol Monitoring. In December 2014, Griffin was involved in a hit and run accident. He was also ordered to pay restitution.

#### **Resolution success:**

Deputy Attorney General Eric Zubrow secured guilty pleas for two counts of second degree conspiracy, and one count of criminal solicitation from Richard Ray, 27, of Wilmington. While in prison, Ray convinced his brother to commit a robbery in hopes of getting enough money for bail. He was also rearrested during his brother's trial for witness intimidation, resulting in the second conspiracy charge.

Deputy Attorney General John Taylor secured a guilty pleas from Jamaal Dearry, 29, of Bear, for drug dealing, possession of a firearm by a person prohibited, and possession of a firearm during the commission of a felony. While executing a search warrant in November 2014, the Special Operations Response Team (S.O.R.T.) found drugs in an apartment on Brookside Boulevard in Newark, where Dearry was with three other people. He is facing fifteen years minimum mandatory prison time.