

**IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY  
COURT NO. 17**

**COURT ADDRESS:  
23730 SHORTLY ROAD  
GEORGETOWN DE 19947**

**CIVIL ACTION NO: JP17-10-001371**

**DELAWARE STATE HOUSING VS ANDREA ANGLIN ET AL**

**SYSTEM ID: @2260991  
RONNIE ANGLIN  
37502 BURTON VILLAGE AVENUE  
UNIT 205  
REHOBOTH DE 19971**

**Appearances:** Jeffrey J. Clark, Esquire, represented the plaintiff.  
Andrea Anglin and Ronnie Anglin appeared *pro se*.  
Doris Biles and Cerita Biles appeared *pro se*.

**Before:** William P. Wood, John C. Martin and William Boddy,  
Justices of the Peace

Martin for the Court

**NOTICE OF JUDGMENT/ORDER**

The Court has entered a judgment or order in the following form:

On April 12, 2010 the Delaware State Housing Authority (DSHA) filed these actions seeking to recover possession of the rental units occupied by the defendants at Burton Village, Rehoboth Beach, Delaware. Upon Motion of the plaintiff, these cases were consolidated for trial since they involved substantially the same facts. Trial was held on April 29, 2010 and on April 30, 2010 judgment was entered against all defendants and on behalf of the plaintiff. Timely appeals were filed by the defendants and a trial *de novo* was ordered pursuant to 25 Del.C. §5717(a). This is the decision of the three Judge Panel hearing these appeals.

## HISTORY

On March 10, 2010 a dispute arose between Andrea Anglin, a tenant of a rental unit owned and operated by the plaintiff in a complex known as Burton Village, Rehoboth Beach, Delaware and Cammy Dean. Cammy was alleged to be a guest (and/or unauthorized resident) of Doris Biles, her mother, and Cerita Biles, her sister. The dispute began because of a conflict between the children of Andrea and Cammy and escalated to public confrontations between these two persons. As many as fifteen to thirty persons gathered at different times in the street and parking area of the complex where these confrontations occurred. The Delaware State Police were called three times to this complex to address the problem. During the first visit by the Police, Andrea, who had called the Police, was advised to stay in the area of her own apartment and away from Cammy and Cammy was advised to stay away from Andrea.

After the Police left, Ronnie Anglin arrived at his residence and another dispute arose between these parties. Andrea again called the Police but upon their arrival, she was arrested for Third Degree Criminal Trespass for allegedly going too close to the Bileses' apartment. Cammy was arrested for Terroristic Threatening for conduct involving a shovel.

After the Police left, they were notified by their dispatcher to return again to this location because Ronnie was acting in a disorderly manner at the complex. The Police returned and arrested Ronnie for Disorderly Conduct.

By letters dated March 29, 2010 all the defendants were notified that their leases at Burton Village were being terminated because of their alleged criminal conduct or the conduct of their guest on March 10, resulting in arrests by the Police. In addition, Doris and Cerita were notified that their leases were also being terminated because they allegedly had allowed unauthorized persons to live in their unit. Appropriate sections of all the defendants' leases were cited as grounds for the termination. When the defendants did not vacate their units as demanded by these notices, these actions were filed for possession.

## DISCUSSION

Burton Village is a federally subsidized housing project owned and operated by the Delaware State Housing Authority and its residents are subject to the Code of Federal Regulations governing such projects. This Code provides that a Public Housing Authority may evict a tenant by judicial action for criminal activity if the Authority determines that the covered person has engaged in criminal activity regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. 24 CFR §966.4 (1)(5)(iii)

Due process in public housing eviction cases requires only proof by the preponderance of the evidence. *Spence v. Gormley*, 439 N.E. 2d 741 (Mass. 1982)

There is no allegation in the complaints that either Doris or Cerita, tenants at Burton Village, engaged in any criminal conduct. Rather, it is alleged in both the Notice of Lease Termination and the complaint that Cammy, their guest or boarder, committed the criminal offenses. Further, the complaint alleges that the Biles are responsible for Cammy's conduct because of the obligations placed on them by Section 8 (m) of their lease, which requires that any "guest or another person under the Tenant's control, shall not engage in ... any criminal activity...". If the tenants fail in this obligation, Section 14 (a) of their lease sets forth termination procedures.

"Under the tenant's control" means that the tenant has permitted access to the premises. *Department of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002). Section 4 of the Leases explains that "guests" are persons in the leased premises with the consent of a household member.

#### THE LIABILITY OF DORIS AND CERITA BILES AS TO CAMMY DEAN:

Burton Village's Housing Manager testified that in March 2009 Doris was notified of a lease violation because of an incident involving Cammy's boyfriend, who was allegedly residing at the Bilese's apartment at the time. This notice contained a seven day cure period. The Manager also testified about her observations in 2010 concerning Cammy's presence at the Bilese's apartment that led her to believe that Cammy was residing there.

Cammy testified that she had been residing at her mother's apartment when her mother received the 2009 notice. She then left this apartment and has not resided there since. She explained how she visited the apartment to drop off or pick up her children, who were sometimes cared for by her mother or sister Cerita. On March 10, she had just arrived at Burton Village to pick up her children who were attending a 4-H program there. Her children came running up to her and told her about an incident they had experienced with Andrea's child. She then went directly to Andrea, who was in a parking area of the complex, and confronted her about the incident. Andrea denied her child's involvement in the incident and they got into a verbal argument during which both cursed. The Housing Manager then intervened and stopped the argument. Eventually, all three went to the Manager's office where they discussed the incident.

Cammy also testified that later, Ronnie and her boyfriend, who "got along fine", were discussing the incident in a parking area when Andrea crossed the street to where they were. Cammy then grabbed a shovel and went to join them. She told Ronnie that she would hit him with the shovel if he put his hands on her but she did not swing the shovel. She was later arrested for Terroristic Threatening because of her conduct involving the shovel.

The plaintiff's complaint against Doris and Cerita is premised, in part, on Cammy being their guest on the day of March 10; however, Cammy's uncontested testimony was that on March 10 she went to Burton Village to pick up her children who were attending a 4-H program there that, according to the Housing Manager, was open to the public. She maintained that her confrontation with Andrea began almost immediately after she arrived, without her going to the Bilese's apartment. There was no additional testimony from any witness that either Doris or Cerita had permitted Cammy access to the premises of Burton Village or that Cammy was in the leased household with the consent of the Bilese's on that day.

The Court therefore finds that the plaintiff did not establish by a preponderance of the evidence that Cammy was the guest of the Bilese's or that she was in the leased household with their consent and so they were not responsible for her conduct on the day of March 10.

### THE LIABILITY OF DORIS AND CERITA BILES AS TO UNAUTHORIZED PERSONS LIVING IN THEIR APARTMENT:

The plaintiff also contended that Doris and Cerita have allowed Cammy, Mozella Matthews, Ceyra Middleton, Orlando L. Brisco and a man named Cory to reside in their unit despite being previously warned that they could not do so. Cammy admitted that she used the Bileses' Burton Village address on public assistance documents only as a mailing address because she had no permanent place to stay at the time; however, she said that this was done with the knowledge of her social services caseworker.

Section 4 of the Bileses' lease states that guests or visitors of a tenant may be accommodated for a period of up to fourteen days in any six month period. While the Housing Manager described various sightings of persons at the Bileses' apartment other than the tenants, there was little evidence that any of the persons named above were residing there. Cammy, in particular, steadfastly denied that she resided there after the 2009 notice letter to her mother.

The Court therefore finds that the plaintiff failed to establish by a preponderance of the evidence that either Doris or Cerita violated their lease by allowing unauthorized persons to reside in their apartment.

### THE LIABILITY OF ANDREA ANGLIN AND RONNIE ANGLIN

The Housing Manager testified that on March 10 she observed Andrea and Cammy arguing in an open area at the Burton Village complex. She did not know who started the argument. The argument was loud and vulgar and the two participants were calling each other names. A crowd had gathered. She separated Andrea and Cammy and they all came into the office where a heated and loud argument continued in front of eight to ten children who were nearby. She asked Andrea to go back to her apartment and she left the office. Later, she saw another verbal confrontation in a parking area where Cammy, her boyfriend, Andrea and Ronnie were present. She had a limited observation of what occurred. She did see Cammy carrying a shovel but she did not see her swing it. The Police were called and both Cammy and Andrea were arrested.

Another witness testified that there were repeated problems between Andrea and Cammy concerning their children. Andrea reported these problems to the office. On March 10, Cammy started the argument when she approached Andrea.

An Officer of the Delaware State Police testified that she was called to Burton Village because of the confrontation between Andrea and Cammy. When she arrived the first time, she saw about thirty people standing in the open area of the complex. They were calm. After making inquiries about what happened, she "advised both parties not to cross the main road" and to stay in their respective areas of the complex. No arrests were made. She then left.

Later, she was called back to this location a second time because of a "fight in progress". This time, there were about fifteen persons standing in the open area of the complex. After investigating what had occurred, she arrested Andrea for Third Degree Criminal Trespass for crossing the roadway and going toward the Bileses' residence. She arrested Cammy for Terroristic Threatening for her conduct involving a shovel. She then left.

Shortly thereafter, she received a radio call to return to the complex again because Ronnie was acting in a disorderly manner. Ronnie was arrested for Disorderly Conduct because "we told him to stay inside and he went over to the Bileses' place".

Ronnie testified that after he was told by the Police to return home, he did so and sat by the sidewalk. He said that he never left that location until the Police came and arrested him. He strongly denied going back near the Bileses' residence after the Police told him to stay home.

Another witness said that she saw Ronnie arrested. He was sitting by the sidewalk in front of his apartment and "wasn't doing anything".

Andrea testified that for the last five years, she has complained to Burton Village management about problems caused by Cammy and her children at this complex, particularly since Cammy is not an authorized tenant there. On March 10, she was in an open area of the complex when Cammy "came at her", told her to mind her business and threatened to "get her". After this confrontation broke up, she went to the office. She denied using any vulgar language there. Then she called the Police. When they came, she told them that she did not want to press charges against Cammy.

Later, her husband came home and talked with Cammy's boyfriend in the parking lot near the Bileses' apartment and she joined them. Cammy ran toward them swinging a shovel. She was afraid and called the Police again. She was arrested for Criminal Trespass for going into this parking lot.

Section 8 (m)(1) of the Anglin's lease establishes their obligation not to engage in any criminal activity that threatens the health, safety or right to peaceful enjoyment of the Management's public housing premises by other residents or by employees of Management.

The plaintiff argued that there were three separate times when Andrea violated this obligation of her lease. The first was by committing Disorderly Conduct in the open area of the complex when she was approached by Cammy. The second was by committing the same offense inside the office while speaking with Cammy and the Housing Manager and the third was when she committed Criminal Trespass by going into a parking area near the Bileses' apartment. The Court notes that while the complaint alleges that Andrea also committed the criminal offenses of menacing, terroristic threatening and harassment, no specific evidence was introduced by the plaintiff during trial to support these allegations and so they will be considered as abandoned.

Title 11 *Del.C.* §1301 explains that a person is guilty of disorderly conduct when the person "intentionally causes public inconvenience, annoyance or alarm to any other person...by...addressing abusive language to any person present".

Title 11, *Del.C.* §821 explains that a person is guilty of Criminal Trespass in the third degree when the person knowingly enters or remains unlawfully upon real property.

In order to establish that the defendant committed the offenses listed above, the plaintiff must prove each element of these crimes by a preponderance of the evidence. The Court finds that beyond a doubt, Cammy was the aggressor in the first incident by approaching Andrea in an aggressive manner and threatening her. The Court also finds that Andrea was the victim in this situation and her reactions were defensive in nature. Because of this, she did not act intentionally to cause public inconvenience, annoyance or alarm and so this essential element of the crime has not been proven.

The second incident of alleged disorderly conduct occurred in the manager's office near where children had assembled. The Housing Manager testified that a heated and loud argument continued at that location between Andrea and Cammy. Other than the plain statement that children were near, there was no testimony from anyone present that this argument threatened the health, safety or right to peaceful enjoyment of the Management's public housing premises by other residents or employees of the Management. This evidence was an essential element of proof to establish a lease violation in this instance.

Finally, the plaintiff claimed that Andrea committed Criminal Trespass by going into a parking area of the apartment complex after being "advised" by a Police Officer not to cross the main road and to stay in her area of the complex. As explained above, the law requires that for a person to be guilty of this crime, the person must enter or remain unlawfully upon real property. Simply put, there was no evidence that Andrea acted unlawfully by walking into an open area of the apartment complex used for parking vehicles. She was a tenant at the complex and there was no evidence introduced to show that she could not lawfully be there. The fact that a Police Officer simply "advised" her to remain near her apartment did not create any legal obligation on her part to stay off open areas of the complex. There was no evidence that Andrea went to the Biles' apartment or any other place that could be considered private. Therefore, the Court finds that the plaintiff failed to establish by a preponderance of the evidence that she entered or remained unlawfully on real property, as required by this statute.

For the reasons stated above, the Court finds that Andrea did not engage in any criminal activity on March 10 that threatened the health, safety or right to peaceful enjoyment of the Management's public housing premises.

Ronnie was arrested for Disorderly Conduct after the Police Officer who had visited Burton Village twice before that day received a radio call that he was acting in a disorderly manner at the complex. He denied this and a witness who was present during his arrest testified that he wasn't doing anything when he was arrested. There was no evidence introduced by the plaintiff to establish any disorderly conduct on the part of Ronnie before the Police returned and arrested him. The Court notes that while the complaint alleges that Ronnie also committed the criminal offenses of terroristic threatening, harassment and menacing, no specific evidence was introduced by the plaintiff during trial to support these allegations and so they will be considered as abandoned. Therefore, the Court finds that Ronnie did not engage in any criminal activity on the day in question.

ORDER


As to JP17-10-001371: DSHA v. Andrea Anglin and Ronnie Anglin

After considering all the evidence presented and for the reasons stated above, the Court enters judgment on behalf of the defendants and against the plaintiff.

As to JP17-10-001372: DSHA v. Doris Biles and Cerita Biles

After considering all the evidence presented and for the reasons stated above, the Court enters judgment on behalf of the defendants and against the plaintiff.

IT IS SO ORDERED this 16th day of June, 2010

  
Justice of the Peace/Court Officer

