

SUPREME COURT OF THE STATE OF DELAWARE

Patterson v. State

Patterson v. State · No. No. 265, 2021 · Decided May 3, 2022

SUMMARY

The Delaware Supreme Court affirmed Tajiir Patterson’s conviction for invasion of privacy. The Court held that the State did not violate Superior Court Criminal Rule 16 by making a cell-phone extraction available for inspection without identifying the significance of particular photographs, and that the Superior Court properly admitted a photograph from the extraction.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Montgomery-Reeves, Justice; Seitz, Chief Justice; Valihura, Justice
JURISDICTION	Delaware
DECIDED	May 3, 2022
DOCKET	No. 265, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Patterson appealed his Superior Court conviction for invasion of privacy, challenging the admission of a photograph under an alleged violation of Superior Court Criminal Rule 16 discovery obligations.
STANDARD OF REVIEW	Interpretation of the Superior Court Rules of Criminal Procedure relating to discovery is reviewed de novo; the trial court's application of those rules is reviewed for abuse of discretion. If a discovery violation occurs, prejudice is assessed under the applicable three-factor test, and reversal requires that substantial rights of the accused were prejudicially affected.
PRECEDENTIAL VALUE	published
PARTIES	Tajiir Patterson v. State of Delaware

TOPICS

- discovery criminal
- criminal procedure
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State violated Superior Court Criminal Rule 16 by making a large cell-phone extraction available for inspection without identifying the photographs it considered significant or intended to use at trial.
2. Whether the Superior Court abused its discretion by admitting Photo 2, which was contained in the disclosed cell-phone extraction.

HOLDINGS

1. The State complied with Rule 16 because it provided Patterson access to inspect and copy or photograph the relevant cell-phone extraction, and Rule 16 did not require the State to review the discovery for the defense, explain its litigation strategy, or provide a curated summary of relevant photographs.
2. The Superior Court did not abuse its discretion by admitting Photo 2 because the State did not violate Rule 16.

KEY QUOTATIONS

“In evaluating alleged discovery violations, this Court conducts a two-step inquiry. First, the Court must determine if a violation of Superior Court Rule 16 occurred.” (at 9)

“Finally, Delaware law does not require the State to review the discovery for the defendant and provide CliffsNotes.” (at 11-12)

FACTUAL BACKGROUND

Patterson recorded a sexual encounter with D.L. in late 2017 without her knowledge and later distributed the video on Snapchat. Because D.L.'s appearance had changed substantially by trial, the State sought to introduce photographs showing her appearance near the time of the recording. The State had made an extraction of D.L.'s cell phone, including more than 9,000 photographs, available for inspection by defense counsel for nearly five months, and defense counsel did not request a copy of any particular photograph. The Superior Court excluded a photograph received shortly before trial but admitted Photo 2 because it was included in the disclosed phone extraction.

PROCEDURAL HISTORY

After a bench trial, the Superior Court found Patterson guilty of invasion of privacy for recording and distributing a sexual encounter without the victim's consent. During trial, the court excluded one photograph that had not been disclosed in discovery but admitted another photograph contained in the previously available cell-phone extraction. Patterson was sentenced to two years at Level V incarceration, suspended for twelve months at Level III probation, and timely appealed. The Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Valentin v. State, 74 A.3d 645, 648 (Del. 2013)
- Hopkins v. State, 893 A.2d 922, 927 n. 5 (Del. 2006)
- Wharton v. State, 246 A.3d 110, 116-18 (Del. 2021)
- Wright v. State, 25 A.3d 747, 753 (Del. 2011)
- Oliver v. State, 60 A.3d 1093, 1096-97 (Del. 2013)
- Secrest v. State, 679 A.2d 58, 64 (Del. 1996)
- Skinner v. State, 575 A.2d 1108, 1126 (Del. 1990)
- Fuller v. State, 922 A.2d 415 (Del. 2007)
- Johnson v. State, 550 A.2d 903, 909-14 (Del. 1988)

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