

SUPREME COURT OF THE STATE OF DELAWARE

DeAngelis v. State

No. 485, 2024 (Del. Jan. 28, 2026) · No. No. 485, 2024 · Decided January 28, 2026

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s denial of Douglas DeAngelis’s motion for a new trial. The Court held that the trial court’s response to the jury’s hypothetical question about a partial hung jury was not an Allen charge and therefore did not require application of the coercion test for Allen instructions.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	N. Christopher Griffiths; Chief Justice Seitz; Justice Valihura; Justice Griffiths
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	January 28, 2026
DOCKET	No. 485, 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court order denying the defendant's motion for a new trial after the jury returned a partial verdict.
STANDARD OF REVIEW	Abuse of discretion applies to the grant or denial of a motion for a new trial and to the trial court's use of an Allen charge.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Douglas DeAngelis v. State of Delaware

TOPICS

- jury instructions
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal procedure
- Appellate procedure
- Jury instructions

QUESTIONS PRESENTED

1. Whether the trial court's response to the jury's hypothetical question about a partial verdict constituted an Allen charge.
2. If the response constituted an Allen charge, whether it had a coercive effect under the four-factor test articulated in *Streitfeld*.

HOLDINGS

1. The trial court's response was not an Allen charge because the jury had not reported a deadlock, the court expressly acknowledged that a partial hung jury and mistrial were permissible, and the response did not ask jurors to reconsider firmly held views or require that a verdict be returned.
2. Because the trial court's response was not an Allen charge, the Court did not apply the four-factor *Streitfeld* coercion test.

KEY QUOTATIONS

“An Allen charge is a supplemental instruction encouraging the jury to reach a verdict and amounts to a request from a trial court to the jury to attempt to come to a decision without abandoning any firmly held beliefs.” (¶ 8)

“Applying Lena’s reasoning to the present case, we find that the trial court’s response was not an Allen charge. Thus, we need not apply Streitfeld’s four-factor coercion test.” (¶ 12)

FACTUAL BACKGROUND

During deliberations, the jury sent a note asking what would happen if it reached a verdict on some charges but could not reach consensus on the others. The trial court explained that it could accept a partial verdict and declare a mistrial on unresolved counts, then asked the jury to continue deliberating and noted that a unanimous verdict would be preferable. The jury later returned a partial verdict convicting DeAngelis of fourth-degree rape and second-degree assault while remaining deadlocked on second-degree rape.

PROCEDURAL HISTORY

DeAngelis was tried in the Delaware Superior Court on charges of second-degree rape, fourth-degree rape, and second-degree assault. The jury convicted him of fourth-degree rape and second-degree assault but failed to reach a verdict on the second-degree rape charge. The Superior Court denied his motion for a new trial, and the Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Streitfeld v. State*, 369 A.2d 674, 677 (Del. 1977)
- *Smith v. State*, 341 A.3d 511 (Del. 2025)
- *Adkins v. State*, 454 A.2d 732, 734-35 (Del. 1982)

- Waters v. State, 242 A.3d 778, 782 (Del. 2020)
- Collins v. State, 56 A.3d 1012, 1019-20 (Del. 2012)
- United States v. Lena, 497 F. Supp. 1352, 1363 (W.D. Pa. 1980), aff'd, 649 F.2d 861 (3d Cir. 1981) (TABLE)

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