

SUPREME COURT OF THE STATE OF DELAWARE

Cogan v. State

No. 555, 2019 (Del. Feb. 5, 2021) · No. No. 555, 2019 · Decided February 5, 2021

SUMMARY

The Delaware Supreme Court affirmed Jeffrey Cogan’s conviction for criminal contempt of a domestic violence protective order. The Court held that sufficient evidence supported the jury’s finding that Cogan’s violation occurred in Delaware, including evidence that the recipient received the offending text messages at her workplace in Delaware.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Per Curiam; Justice Valihura; Justice Vaughn; Justice Traynor
JURISDICTION	Delaware
DECIDED	February 5, 2021
DOCKET	No. 555, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court jury conviction for criminal contempt of a domestic violence protective order and the resulting sentence.
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 every element of the offense, without distinguishing between direct and circumstantial evidence.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; precedential status identified in the source metadata as published.
PARTIES	Jeffrey Cogan v. State of Delaware

TOPICS

criminal procedure standard of review appellate procedure evidence family law procedure

PRACTICE AREAS

criminal law criminal procedure domestic violence protective orders appellate litigation

QUESTIONS PRESENTED

1. Whether sufficient evidence supported the jury's finding that Cogan's violation of the domestic violence protective order occurred in Delaware, as required by 11 Del. C. § 1271A(a)(1).

HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that Cogan's violation of the protective order occurred in Delaware.
2. On de novo review, the court determines whether any rational trier of fact, viewing the evidence in the light most favorable to the State, could find every element of the offense beyond a reasonable doubt.

KEY QUOTATIONS

"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." (at 2)

"We do not hesitate to conclude that a rational trier of fact could find beyond a reasonable doubt that Cogan's violation of the domestic violence protective order occurred in Delaware." (at 4)

FACTUAL BACKGROUND

Cogan was subject to a domestic violence protective order prohibiting contact with his former wife except by text message or email concerning the parties' children. He sent her two text messages that addressed matters involving the children but also demeaned her and accused her of lying. The former wife testified that she received both messages at her workplace in Delaware, and the timing and circumstances of the messages supported the inference that Cogan intended them to be received in Delaware and likely sent them from Delaware.

PROCEDURAL HISTORY

Cogan was initially convicted after a trial before a Family Court Commissioner, and a Family Court judge affirmed the Commissioner's order after Cogan requested review. The Superior Court then conducted a trial de novo before a jury, which found Cogan guilty and sentenced him to one year of Level V incarceration, suspended for six months of Level I unsupervised probation conditioned on completion of an anger-management course. The Delaware Supreme Court affirmed after reviewing the denial of Cogan's preserved motion for judgment of acquittal.

DISPOSITION

affirmed

CASES CITED

- Cline v. State, 720 A.2d 891, 892 (Del. 1998)
- James v. State, 377 A.2d 15, 15-16 (Del. 1977)
- Cordero v. State, 1992 WL 276234, at *1 (Del. Sept. 30, 1992)

- Thornton v. State, 495 A.2d 126 (Del. 1979)

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