## IN THE SUPREME COURT OF THE STATE OF DELAWARE

JASON HALEY, <sup>1</sup>	§
	§ No. 28, 2012
Defendant Below,	§
Appellant,	§ Court Below – Family Court
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§ Case No. 1112001580
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§
Appellee.	

Submitted: August 22, 2012 Decided: August 30, 2012

Before STEELE, Chief Justice, HOLLAND and JACOBS, Justices.

## ORDER

This 30th day of August, 2012, it appears to the Court that:

- 1) The defendant-appellant, Jason Haley ("Haley") appeals from his adjudication of delinquency on one count of Offensive Touching, after a bench trial in the Family Court. On appeal, Haley claims that there was insufficient evidence to find him guilty of Offensive Touching. We have concluded that claim is without merit. Therefore, the judgment of the Family Court is affirmed.
- 2) On December 2, 2011, Haley along with several other males confronted the victim while he was walking home from his school bus stop.

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<sup>&</sup>lt;sup>1</sup> A pseudonym was assigned pursuant to Supreme Court Rule 7(d).

One member of Haley's group told the victim to empty his pockets. As the victim tried to walk away, Haley grabbed his arms, said "go back," and pushed the victim backward. Another member of Haley's group then punched the victim several times, after which the victim dropped his book bag, ran home, and a family member called the police.

- 3) On December 5, 2011, Haley was arrested. He was initially charged with Attempted Robbery in the Second Degree, Conspiracy in the Second Degree, and Offensive Touching. Because he was a juvenile, Haley was prosecuted in Family Court. Following a bench trial, the Family Court dismissed the robbery and conspiracy charges, but found Haley guilty of Offensive Touching. This appeal followed.
- 4) Haley claims that the Family Court erred by convicting him of Offensive Touching, because he was acquitted of the attempted robbery charge and the evidence did not show that Haley knowingly caused "offense or alarm" to the victim by touching him. We review *de novo* a claim that the evidence adduced at trial was legally insufficient to support either a conviction or an adjudication of delinquency.<sup>2</sup>
- 5) The claims in Haley's brief are set forth in a conclusory manner. Each "substantive" legal argument is a short paragraph and,

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<sup>&</sup>lt;sup>2</sup> Carter v. State, 933 A.2d 774, 777 (Del. 2007).

Offensive Touching charge "is based on the same action as" the robbery charge, that charge "too, should have been dismissed." Haley does not make a specific legal argument explaining why that charge "too, should have been dismissed." His conclusory assertion fails to raise an adjudicable legal issue on appeal.

evidence to support his delinquency adjudication for Offensive Touching is also without merit. Haley does not dispute that he was part of a group that confronted the victim to rob him. By his own admission, Haley "grabbed" the victim and "pushed him aside" after another member of the group ordered the victim to "run [his] pockets." Others in the group then punched the victim and searched his pockets. Haley's insistence that "his [true] intention was to assist [the victim]" does not change those undisputed facts, which were sufficient to establish Haley's knowledge that the "[i]ntentional[] touch[ing]... [was] likely to cause offense or alarm to [the victim,]" as required to prove Offensive Touching.<sup>3</sup> Thus, this claim also lacks merit.

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<sup>&</sup>lt;sup>3</sup> Del. Code Ann. tit. 11, § 601(a)(1)(2007).

## NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland Justice