



Hurley's Motion does not meet that standard. Rather, it is Hurley's Motion that overlooks controlling precedent and misapprehends the law, specifically 11 *Del. C.* § 1272 and the cases interpreting it. This Court found Hurley guilty of criminal contempt after he repeatedly did not appear on time for scheduled court proceedings despite reminders and warnings. The Court held that Hurley violated 11 *Del. C.* § 1271(1) because his conduct (i) happened in the Court's immediate view and presence, and (ii) interrupted the Court's proceedings and impaired the respect owed to its authority.<sup>4</sup> Under 11 *Del. C.* § 1272, a person who violates Section 1271(1) may be convicted and sentenced "without further criminal proceedings during or immediately after the termination of the proceeding in which the act constituting criminal contempt occurred." Both the United States Supreme Court and the Delaware Supreme Court have affirmed that summary contempt proceedings do not violate due process when the offense occurs in the Court's presence.<sup>5</sup> Summary contempt proceedings, such as those under Section 1272, ensure compliance with the Court's orders and respect for its authority and "require no further evidentiary or criminal proceedings" before the offender is convicted and sentenced.<sup>6</sup>

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<sup>4</sup> Contempt Order ¶¶ 1, 3, 4.

<sup>5</sup> *Cooke v. U.S.*, 267 U.S. 517, 534 (1925); *In re Hillis*, 858 A.2d 317, 322 (Del. 2004); *Smith v. State*, 560 A.2d 1004, 1008-09 (Del. 1989).

<sup>6</sup> *Smith v. State*, 560 A.2d at 1009. *See also*, *Cooke*, 267 U.S. at 534.

Accordingly, the Court has neither misapprehended the law nor violated the movant's due process rights, and Joseph A. Hurley's Motion for Reargument therefore is **DENIED. IT IS SO ORDERED.**

  
Abigail M. LeGrow, Judge

Original to Prothonotary

cc: Jordan A. Braunsberg, Deputy Attorney General  
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