

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,)	
)	
)	
)	
v.)	Case No.: 0606024262
)	
JAMIE FRAZIER,)	
)	
Defendant.)	

MEMORANDUM OPINION

Matthew B. Frawley, Esquire, Deputy Attorney General, Department of Justice, Wilmington, Delaware, for the State of Delaware.

Raymond M. Radulski, Esquire, Assistant Public Defender, Wilmington, Delaware, for Defendant.

Scott, J.

After a jury found defendant guilty of theft of rental property, defendant filed a timely motion for judgment of acquittal pursuant to Superior Court Criminal Rule 29.

When considering a motion filed pursuant to Rule 29 the Court must view the evidence and inferences drawn from the evidence, in the light most favorable to the State.¹ The motion will only be granted if the evidence was insufficient to sustain a conviction.² Defendant argues that there was insufficient for the jury to determine that he received the property at issue.

The testimony in this case indicated that defendant went to a Rent-A-Center store. Defendant presented identification to an employee. He listed an address that the rental property was to be delivered to on a form. There was no indication that the property was delivered to a different address. The store made a follow-up phone call to defendant. During that phone call, defendant indicated satisfaction with the property. This was sufficient evidence for the jury to find defendant received the property in question. Defendant's motion is DENIED.

IT IS SO ORDERED.

Judge Calvin L. Scott, Jr.

¹ *State v. Biter*, 119 A.2d 894 (Del. 1955).

² *Vouras v. State*, 452 A.2d 1165, 1169 (Del. 1982).