

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES HALL,	§	
	§	No. 171, 2012
	§	
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of
	§	the State of Delaware, in and for
v.	§	New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 1011006903
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: March 6, 2013

Decided: March 12, 2013

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 12th day of March 2013, upon consideration of the briefs of the parties, the parties' contentions at oral argument, and the record in this case, it appears to the Court that:

1. James Nathaniel Hall, the defendant-below ("Hall"), appeals from a Superior Court judgment of conviction and sentencing order for Assault in the First Degree, Possession of a Firearm During the Commission of a Felony, and two related Person Prohibited offenses. On appeal, Hall claims that the trial court erred by admitting evidence of his nickname, "Nasty Nate," and by allowing Hall to be

described as “Nasty Nate” at his jury trial, because his nickname improperly suggested that he possessed a criminal disposition. We disagree and affirm.

2. Following two separate incidents in November 2010, Hall was arrested and brought to trial as the alleged perpetrator of the two crimes. At Hall’s jury trial, the key issue was the perpetrator’s identity. The witnesses referred to Hall as “Nate” or “Nasty Nate” and identified him as the offender. The State also referred to Hall as “Nasty Nate.” Hall does not dispute that his nickname is “Nasty Nate.” The jury acquitted Hall of Attempted Robbery in the First Degree based on the first incident, and convicted him of Assault in the First Degree based on the second incident. This appeal followed.

3. We review a trial judge’s decision to admit or exclude evidence for abuse of discretion.¹ On appeal, Hall claims that the use of “Nasty Nate” was unnecessarily pejorative and prejudiced the jury against him.

4. We hold that the admission of, and references to, Hall’s nickname, “Nasty Nate,” were not errors. In contrast to *Taylor v. State*²—where the defendant had a nickname of “Murder” and was on trial for committing the crime of murder—Hall was not prejudiced by his nickname. The absence of prejudice is shown by the fact that the jury acquitted him of Attempted Robbery in the First

¹ *Wright v. State*, 25 A.3d 747, 752 (Del. 2011).

² 23 A.3d 851 (Del. 2011).

Degree. The term “Nasty” did not improperly suggest to the jury that Hall possessed a criminal propensity. Hall’s nickname was further probative of the key issue at trial, namely the identity of the perpetrator. Moreover, even if allowing the jury to hear and consider that nickname arguably constituted error, any error was harmless.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Jack B. Jacobs
Justice