

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HUNG THAI TRAN,	§
	§ No. 386, 2017
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1702007362
	§
Plaintiff Below,	§
Appellee.	§

Submitted: May 16, 2018

Decided: May 22, 2018

Before **STRINE**, Chief Justice; **VAUGHN** and **TRAYNOR**, Justices.

**ORDER**

This 22<sup>nd</sup> day of May 2018, after careful consideration of the parties' briefs and the record on appeal, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons stated in its August 3, 2017 evidentiary ruling on the record.<sup>1</sup> Tran seeks to overturn his stalking conviction, claiming that the Superior Court abused its discretion by admitting text messages that were intended for—but never seen by—the victim, because she had blocked his number after receiving earlier unwanted messages. This argument is inconsistent with the plain language of the stalking statute,<sup>2</sup> which was amended in

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<sup>1</sup> App. to Opening Br. A38

<sup>2</sup> 11 *Del. C.* § 1312.

2003 for the express purpose of eliminating the requirement that the victim be aware that he or she is being stalked.<sup>3</sup>

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

BY THE COURT:

*/s/ Gary F. Traynor*

Justice

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<sup>3</sup> An Act to Amend Title 11 of the Delaware Code with Respect to Stalking, § 1, 74 Del. Laws, ch. 116 (2003).