

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STANLEY MURPHY,	§
	§
Defendant Below,	§
Appellant,	§ No. 361, 1999
	§
v.	§ Court Below: Family Court of the
	§ State of Delaware in and for New
STATE OF DELAWARE,	§ Castle County
	§ Petition No. 9902049300
Plaintiff Below,	§ File No. JN99-0527
Appellee.	§

Submitted: May 16, 2000

Decided: May 24, 2000

Before VEASEY, Chief Justice, WALSH and BERGER, Justices.

O R D E R

This 24th day of May 2000, upon consideration of the briefs of the parties and oral argument, it appears to the Court that:

(1) The defendant/appellant, Stanley Murphy* (“Murphy”), a juvenile, was tried on April 6, 1999 in Family Court on a charge of unlawful sexual contact second degree under 11 *Del. C.* § 768 and found delinquent. Murphy was subsequently sentenced to an indefinite period of incarceration suspended for one year of probation and required to register as a Tier II Sex Offender pursuant to this State’s Sexual Offender Registration Statute, 11 *Del. C.* § 4121.

* Pursuant to Supreme Court Rule 7(d), the name of the appellant is a pseudonym selected by the Court.

(2) On appeal, Murphy challenges only the sexual registration requirement imposed by the trial court and not that court's finding of delinquency. Murphy's principal challenge is to the constitutionality of 11 *Del. C.* § 4121. He first contends that section 4121 is unconstitutional because it improperly chills an accused's right to a trial to determine his guilt or innocence. In furtherance of this argument, he notes that the statute provides the benefit of a hearing to contest sex offender registration for those juveniles who plead guilty, but neglects to provide the same process for those juveniles who exercise their right to a trial. *See* 11 *Del. C.* § 4121(c) & (d). Second, Murphy contends that even if this Court finds section 4121 to be constitutional on its face, the statute is unconstitutional as applied to him because it results in a denial of his right to procedural due process. Murphy also argues that the trial judge had a "closed mind" and abused her discretion in refusing to grant a hearing under 11 *Del. C.* § 4121(c).

(3) We reject Murphy's arguments. The constitutionality of the sexual offender registration statute is implicitly controlled by this Court's decision in *Coleman v. State*, Del. Supr., 729 A.2d 847 (1999). There is no basis to conclude that juveniles should be exempt from the operation of the statute simply because the criminal process for juveniles is essentially confidential as required

by statute. Indeed, the statutory mandate of sexual registration would become meaningless without disclosure of the defendant's identity.

(4) With respect to Murphy's due process claim, there is no evidence suggesting that a plea agreement was ever offered to Murphy, nor that he ever made an attempt to secure one. Thus, the record does not support his claim that his right to a trial was improperly chilled. Finally, we find no merit to Murphy's remaining contentions regarding the trial judge's alleged "closed mind" or any abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh
Justice