

UTAH COURT OF APPEALS

State v. Thalab

2026 UT App 43 · No. 20240351-CA · Decided March 26, 2026

SUMMARY

The Utah Court of Appeals affirmed the denial of Umar Thalab’s petition to expunge his attempted-stalking conviction. The court held that the version of Utah’s stalking statute in effect at sentencing mandated issuance of a permanent criminal stalking injunction, and that the omission could be corrected under Utah Rule of Criminal Procedure 22(e). The court declined to overrule State v. Kropf and rejected Thalab’s arguments that subsequent statutory amendments had abrogated that precedent.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	Ryan D. Tenney; Ryan M. Harris; John D. Luthy
JURISDICTION	Utah Court of Appeals
DECIDED	March 26, 2026
DOCKET	20240351-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a petition to expunge a conviction and from the correction of the sentence to impose a permanent criminal stalking injunction.
STANDARD OF REVIEW	Review of the interpretation of Utah Rule of Criminal Procedure 22(e) and of statutes is for correctness. Underlying factual findings concerning expungement are reviewed for clear error, and legal determinations are reviewed for correctness.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Umar Akeem Thalab v. State of Utah

TOPICS

- sentencing
- statutory interpretation
- criminal procedure
- post-conviction relief
- appellate procedure

PRACTICE AREAS

- criminal procedure
- sentencing
- post-conviction relief
- statutory interpretation
- expungement

QUESTIONS PRESENTED

1. Whether Utah Code section 76-5-106.5, as in effect when Thalab was sentenced in 2017, required the sentencing court to issue a permanent criminal stalking injunction upon conviction for attempted stalking.
2. Whether *State v. Kropf* had been judicially overruled or legislatively abrogated by subsequent statutory amendments.
3. Whether the district court properly corrected Thalab's sentence under Utah Rule of Criminal Procedure 22(e).
4. Whether the permanent criminal stalking injunction made Thalab ineligible for expungement under Utah Code section 77-40a-303(2)(f).

HOLDINGS

1. Utah Code section 76-5-106.5, as in effect at the time of Thalab's sentencing, required the court to issue a permanent criminal stalking injunction at the time of conviction, including upon conviction for attempted stalking.
2. *State v. Kropf* remains good law; Thalab did not establish that *Kropf* was wrongly decided or that subsequent amendments to the stalking statute directly conflicted with its interpretation.
3. Because the sentencing court omitted a condition required by statute, the sentence was illegal and the district court properly corrected it under Utah Rule of Criminal Procedure 22(e).
4. Thalab was statutorily ineligible for expungement because a criminal stalking injunction was in effect against him.

KEY QUOTATIONS

“We held that “the plain language of the [S]talking [S]tatute demonstrate[d] that imposition of a permanent criminal stalking injunction [was] mandatory upon conviction for stalking.”” (¶ 17)

“In light of this, we conclude that the sentencing court was required to issue a permanent criminal stalking injunction at Thalab’s sentencing, and because it did not, it issued an illegal sentence.” (¶ 48)

“We accordingly affirm.” (¶ 50)

FACTUAL BACKGROUND

In 2017, Thalab was charged with stalking and pleaded guilty to attempted stalking, a class A misdemeanor. The sentencing court imposed 365 days in jail, suspended 302 days, credited 63 days served, and ordered 24 months of probation, but it did not issue a permanent criminal stalking injunction. After completing probation and obtaining a reduction of the conviction, Thalab petitioned for expungement in 2023. The district court later corrected the sentence by issuing the injunction and denied expungement because the injunction rendered him statutorily ineligible.

PROCEDURAL HISTORY

Thalab pleaded guilty to attempted stalking in 2017. The sentencing court imposed jail and probation but did not issue a permanent criminal stalking injunction. After Thalab petitioned for expungement in 2023, the district court granted the State's motion to correct the sentence under Utah Rule of Criminal Procedure 22(e), issued the injunction, and denied expungement because the injunction made Thalab statutorily ineligible. The Utah Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Kropf, 2015 UT App 223, 360 P.3d 1
- State v. Wynn, 2017 UT App 211, 407 P.3d 1113
- State v. Malo, 2020 UT 42, 469 P.3d 982
- State v. Mullins, 2025 UT 57, — P.3d —
- State v. Garcia-Lorenzo, 2022 UT App 101, 517 P.3d 424
- Sterling Fiduciaries LLC v. JPMorgan Chase Bank NA, 2017 UT App 135, 402 P.3d 130
- Eldridge v. Johndrow, 2015 UT 21, 345 P.3d 553
- Burton v. Chen, 2023 UT 14, 532 P.3d 1005
- In re Discipline of Bowen, 2021 UT 53, 500 P.3d 788
- State v. Robertson, 2017 UT 27, 438 P.3d 491
- LeBeau v. State, 2014 UT 39, 337 P.3d 254
- In re E.H.H., 2000 UT App 368, 16 P.3d 1257
- Patterson v. Patterson, 2011 UT 68, 266 P.3d 828
- State v. Chaney, 1999 UT App 309, 989 P.2d 1091