

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ARNOLD BROWN,¹

Petitioner Below,
Appellant,

v.

STATE OF DELAWARE,

Respondent Below,
Appellee.

§

§

§ No. 380, 2016

§

§ Court Below—Family Court
§ of the State of Delaware,

§

§ Cr. Case No. 1603012146

§ Petition No. 16-15660

§

§

Submitted: December 2, 2016

Decided: January 20, 2017

Before **STRINE**, Chief Justice; **HOLLAND**, and **VALIHURA**, Justices.

ORDER

This 20th day of January 2017, after careful consideration of the parties' briefs and the record on appeal, we find it evident that the judgment of the Family Court should be affirmed on the basis of the Family Court's July 14, 2016 order. The Family Court did not err in concluding that the appellant did not qualify for mandatory expungement under 10 *Del. C.* 1025(d) and failed to meet his burden for discretionary expungement under 10 *Del. C.* § 1025(e). We decline to consider facts the appellant raises in his opening brief in support of his petition for expungement that were not presented to the Family Court in the first instance.²

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

² Del. Supr. Ct. R. 8.

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

BY THE COURT:

/s/ Randy J. Holland
Justice