

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CLAUDE LACOMBE,	§
	§
Defendant Below,	§ No. 204, 2022
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1201018188 (N)
	§
Appellee.	§

Submitted: August 9, 2022

Decided: September 8, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

After consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of and for the reasons assigned by the Superior Court in its May 13, 2022 order denying the appellant’s third motion for postconviction relief. Absent plain error, which we do not find here, we decline to consider the appellant’s arguments concerning the rule of lenity, his guilty plea, and *United States v. Cronin*, 466 U.S. 648 (1984) that he raises for the first time on appeal.¹

¹ Del. Supr. Ct. R. 8 (“Only questions fairly presented to the trial court may be presented for review; provided, however, that when the interests of justice so require, the Court may consider and determine any question not so presented.”).

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice