

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CURTIS N. MERCER,	§
	§ No. 379, 2025
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 0804033000 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: December 24, 2025

Decided: February 4, 2026

Before **VALIHURA, TRAYNOR**, and **LEGROW**, Justices.

ORDER

After careful consideration of the opening brief, the motion to affirm, and the record on appeal, the Court concludes that the judgment of the Superior Court should be affirmed on the basis of that court’s August 19, 2025 order denying the appellant’s motion under Superior Court Rule of Criminal Procedure 35(a). The appellant’s motion in the Superior Court asserted that his sentence is illegal under *Erlinger v. United States*¹ and related decisions. On appeal, he does not challenge the court’s ruling as to that issue but instead raises different arguments that were not preserved for review in this appeal.²

¹ 602 U.S. 821 (2024).

² DEL. SUPR. CT. R. 8.

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/ Gary F. Traynor
Justice