

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VERNON MONTGOMERY,	§
	§
Defendant Below,	§ No. 326, 2026
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1710001043A
	§
Appellee.	§

Submitted: August 14, 2026

Decided: August 21, 2026

ORDER

(1) The appellant, Vernon Montgomery, filed a notice of appeal seeking review of “the Superior Court’s denial of the bellwether cases filed as a result of S.C.O.T.U.S. case *United States v. Erlinger*” and indicating that his case “was on stay pending the ruling on the bellwether cases.”¹ The Senior Court Clerk issued a notice directing Montgomery to show cause why this appeal should not be dismissed under Supreme Court Rule 29(b) because (i) Montgomery is not a party to the bellwether cases and (ii) the Superior Court had not yet entered a final, appealable order on his pending motion for correction of an illegal sentence invoking *Erlinger*.

¹ The “bellwether cases” refers to the cases selected to address certain claims asserted based on *Erlinger v. United States*, 602 U.S. 821 (2024). Appeals from the Superior Court’s bellwether decision are pending in consolidated appeal Nos. 272, 273, 274, and 275, 2026.

The notice to show cause was delivered August 3, 2026. Montgomery has not responded. Dismissal of this appeal is therefore deemed to be unopposed.²

(2) Montgomery also filed a one-page motion for leave to file an amicus curiae brief in *Deputy v. State*, Appeal No. 272, 2026, one of the bellwether appeals. The motion does not comply with Delaware Supreme Court Rule 28 and is therefore denied.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that the appeal be DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

² See DEL. SUPR. CT. R. 29(b) (providing that if an appellant does not respond to a notice to show cause within 10 days of receipt, “dismissal shall be deemed to be consented to pursuant to Rule 3(b)(2)”).