IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
v.	)	
	)	I.D. # 2509003913
RYAN MERRITT,	)	
	)	
Defendant.	)	

Date submitted: July 7, 2026
Date decided: October 30, 2026

ORDER ON APPEAL

Appellant Ryan Merritt ("Merritt") was charged with one count of resisting arrest. After a jury trial in the Court of Common Pleas, Merritt was found guilty. He appealed his conviction and sentence to this court. For the reasons discussed below, his conviction and sentence are AFFIRMED.

I. *Factual Background*

A. *Video Evidence*

1. On September 6, 2025, New Castle County police stopped a vehicle for an expired registration. The vehicle was driven by Rachel Burgess and the owner of the vehicle, Merritt, was in the front passenger seat. The officer approached the passenger window, which Merritt had partially opened.[1]

[1] The following facts are derived from the body worn camera video admitted into evidence at trial.

2. The officer advised that the vehicle was stopped due to the expired registration. Merritt asked to exit the vehicle to check the registration on the license plate. He was permitted to do so. Merritt viewed the rear of the vehicle and returned to the passenger seat, closing the door and acknowledging the registration was expired.

3. The passenger window was approximately ¼ open. The officer asked Merritt to put the window completely down. He did not comply.

4. Ms. Burgess/Merritt provided the officer with Ms. Burgess' license and the vehicle's registration and proof of insurance. The officer asked Merritt whether he had identification and then the following exchange occurred:

> Merritt: I don't need ID. I'm the passenger.
>
> Officer: What's your name.
>
> Merritt: I don't need ID. I'm a passenger.
>
> Officer: Yes, you do. We need to verify who is in the vehicle.
>
> Merritt: No, no, no, no, I'm positive.
>
> Officer: Yes, you do. Yes you do.
>
> Merritt: That's not lawful.
>
> Officer: We don't need to make this – it is lawful. We don't need to make this a long stop. Anytime a vehicle is stopped, if we're making contact, whether it's the driver or passenger, we need to verify everyone

in the vehicle. And you just said this is your car and she is driving. Being as you are the registered owner, you do have to give your ID.

Merritt: Okay, I don't need to.

Officer: We get to detain you up to two hours if you don't want to.

5. The officer ordered Merritt out of the vehicle. Merritt responded: "I don't have to step out of the car." The officer told Merritt he needed to step out of the vehicle.

6. Merritt continued to protest that he did not need to give his identification. The officer explained that he was requesting the identification because Merritt had stated he was the owner of the vehicle. The officer advised Merritt that if he did not want to provide his identification, the officers could detain the vehicle and the occupants for up to two hours. The officer again asked whether Merritt had identification.

7. After some additional back-and-forth, the officer opened the passenger door. Merritt said: "Sir, you don't have the right to open the door." The officer explained that he could detain Merritt and asked whether Merritt had identification. Merritt said he was not resisting. He said he was trying "to come to an understanding" with the officer. At this point, the officer grabbed Merritt's wrist and his phone. The officer then pulled on Merritt's arm, attempting to remove him from the vehicle. Merritt repeatedly said, "Why are you touching me?" The officer

responded, "because you are not stepping out of the car." The officer again commanded Merritt to step out of the vehicle or "he will be arrested for resisting." Merritt still did not comply.

8. The officer again commanded Merritt to get out of the vehicle. Merritt responded: "Sir. I will fully comply with whatever lawful order that you wish to give me." The officer gave several more commands to exit the vehicle. Merritt did not comply. The officer then drew his Taser, again commanding Merritt out of the vehicle. Merritt repeatedly said he was trying to have a conversation with the officer.

9. The officer holstered his Taser and continued to command Merritt out of the vehicle. The officer told Merritt that if he refused to comply, he would be arrested for resisting. The officers then pulled Merritt out of the vehicle by his leg. While on the ground, Merritt repeatedly said he was not resisting. He was placed in handcuffs.

B. ***Trial Testimony***

10. Merritt was charged with a violation of 11 *Del. C.* § 1257, resisting arrest. A two-day trial was held in the Court of Common Pleas. Senior Corporal Korey Thompson, the officer who interacted with Merritt on the scene, was the only witness. The video from Officer Schoenleber's body worn camera ("BWC") (the other officer on the scene that night) was the only exhibit. Corporal Thompson

explained that Officer Schoenleber recently joined the police force and was in training on the night of the traffic stop. Corporal Thompson explained the events of the traffic stop and provided testimony on the BWC video.

11. Corporal Thompson testified that while it is department policy to keep occupants in the vehicle during a traffic stop, after Officer Schoenleber initially denied Merritt's request to exit the vehicle, Corporal Thompson allowed Merritt to exit as a training exercise for Officer Schoenleber.[2]

12. Corporal Thompson stepped in after Officer Schoenleber started the investigation because in Corporal Thompson's words, there was a safety concern as Merritt is just over six feet tall and weighed 300 pounds and "[t]he likelihood of something occurring is very high."[3] Merritt's counsel objected and moved to strike the corporal's statement because it improperly suggested that Merritt was going to become violent.[4] The court overruled the objection, finding that the officer's comments were not directed at Merritt being a violent person, but rather, based on the officer's training and experience, the situation could escalate and become dangerous, and with Merritt's size, that would be a concern.

[2] March 2, 2026 Trial Transcript ("Tr.") at 62-63. D.I. 4.
[3] Tr. at 72.
[4] *Id.* at 73-75.

13. Corporal Thompson asked Merritt for his identification because when a vehicle is stopped, officers ask for identification from all occupants, including passengers, because the officers "have to be able to identify all occupants in the vehicle."[5] Merritt was asked for his identification because he said he was the owner of the vehicle.[6] Corporal Thompson testified: "under Delaware law, when the vehicle is stopped, it's a lawful order when asked to give their identification that they have to, their license, registration and proof of insurance. That's Delaware Title 11, 1902."[7]

14. After Corporal Thompson asked for Merritt's identification several times, Corporal Thompson opened the vehicle door and ordered Merritt to step out because he was going to be detained.[8] When Merritt failed to comply, even though Merritt said: "I'm not refusing," in the officer's view, Merritt was refusing.[9] Because Merritt continued refusing to follow the command, the officer issued a warning alert with his Taser.[10] When that was not effective to get Merritt out of the vehicle, the officer tried to physically pull Merritt out. Merritt "held his weight down

[5] *Id.* at 66.
[6] *Id.* at 67.
[7] *Id.* at 67-68.
[8] *Id.* at 72, 76.
[9] *Id.* at 76. Corporal Thompson explained that this is known as "passive resistance," meaning the person is complying by engaging in conversation but is not following commands. *Id.* at 69.
[10] *Id.* at 77. The Taser emits an audible warning alert tone. *Id.* at 80.

and he sat in the car."[11] Holding his weight down is a form of resisting.[12] After he was pulled out of the vehicle, Merritt was arrested for resisting and he was cooperative thereafter.

15. On cross examination, Corporal Thompson agreed that the only traffic violation was the expired registration.[13] He also testified that under Delaware law, even a passenger in a vehicle is supposed to carry identification.[14] Corporal Thompson explained that he told Merritt that he was resisting detention, but did not use the words: "you're under arrest."[15]

C. *Motion for judgment of acquittal*

16. After the State rested, Merritt's counsel moved for judgment of acquittal under Court of Common Pleas Rule 29.[16] He argued that "there was never a formal indication that was articulated to Mr. Merritt that, 'You are under arrest,' which is something that people unequivocally know is you basically are not free to leave."[17] Counsel stated that it was not "entirely clear" whether Merritt was aware

[11] *Id.* at 77, 79-80.
[12] *Id*. at 79.
[13] *Id*. at 88.
[14] *Id*. at 116.
[15] *Id*. at 107.
[16] *Id*. at 121.
[17] *Id*.

that there was a requirement for him to exit the vehicle, as was shown by Merritt's continuing to ask questions.[18]

17. The trial court ruled that "once the police officer has informed [Merritt] that he must get out of the car or he will be placed under arrest, he's on notice of what is about to happen to him."[19] "The officer warned [Merritt] that he was going to be placed under arrest if he didn't step out. He didn't step out, therefore, a reasonable jury could conclude that he resisted arrest. Motion is denied."[20]

D. *Trial Judge's Statements*

18. After the conclusion of testimony, outside the presence of the jury, the trial judge reviewed the proposed jury instructions with counsel, which included an instruction on 11 *Del. C.* § 1902.[21] The trial judge said that, but for the parties stipulating to an instruction on Section 1902, he would not have included it because "I don't see that it serves any purpose except to confuse. It doesn't make any difference whether or not this officer had the authority to arrest this individual. It is illegal to resist arrest even if the arrest is unlawful."[22] The trial judge went on to

[18] *Id*. at 121-122.
[19] *Id*. at 123.
[20] *Id*. at 124.
[21] March 3 Trail Transcript ("Tr. Day 2") at 7-8. D.I. 5.
[22] Tr. Day 2 at 7-8.

explain that Section 1902 had no bearing on the crime with which Merritt was charged. The trial judge recounted the basic facts and said:

> At this point, the police officer pulls him out of the car. He is actually physically resisting the police officer at that moment in time. That is resisting arrest. There's no question he's guilty. I mean, this is in the hands of the jury. But from a pure legal standpoint, he's guilty of resisting arrest.[23]

19. If Section 1902 was not included in the instructions, Merritt's counsel inquired whether he would be permitted to argue to the jury that the officer was wrong about the law. The trial judge responded that he saw no reason why Merritt's counsel could not argue the officer:

> was clearly mistaken in his assertion that for some reason this defendant was required to have ID on him. That's just simply not the law. He's not the driver of the car. Whether he's the passenger in the motor vehicle or walking down the street, in this country, you don't have to have an ID on you. And so, … [what the officer said is] just an incorrect statement of the law."[24]

E. ***The Sentence***

20. The jury returned a guilty verdict. The court sentenced Merritt to 12 months at Level V, suspended for 12 months at Level I probation. The court imposed a special condition of 40 hours of community services within six months. Probation

[23] *Id*. at 9.
[24] *Id*. at 10-11.

was to be discharged upon completion of six months and the 40 hours, provided there were no violations of probation.[25] The trial judge explained:

> Discharge probation upon completion of community service and six months probation provided no violations of any kind and that includes traffic offenses.
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> ***
>
> However, when I say no violations, I mean it. What I tell people all the time, you don't spit on a sidewalk while you're on probation for me. So no driving-related offenses. If your car isn't registered, it is parked. If you are going to go pay for the registration, you call in advance to DMV to get that set up. If you don't have a driver's license for whatever reason today, you don't operate a car. You operate your motor vehicle, you discover that button for cruise control on your dash and you follow the speed limit. If you do that, I am happy to discharge your probation early, at the six month mark.[26]

II. *The Parties' Contentions*

21. Merritt makes three arguments on appeal. First, Section 1902 did not apply because the statute requires reasonable suspicion of a crime and a traffic stop for an expired registration is not a "crime." Even if Section 1902 applied, the mission of the traffic stop was complete when the officers were provided the driver's license, the vehicle registration, and proof of insurance.[27] Therefore, there was no

[25] *Id*. at 79-85.
[26] *Id*. at 80, 82.
[27] Merritt Opening Brief ("OB") at 4. D.I. 7.

basis for the officer to remove Merritt from the vehicle, because there was no "arrest or detention … being effected at all."[28]

22. He further contends that the trial judge's recognition that Corporal Thompson misstated the law when he testified that a passenger is required to carry identification, supports reversal. He argues that the trial judge's personal views of Merritt's guilt show why, after acknowledging the officer's misstatement of law, the court did not revisit the issue and improperly precluded Merritt from offering his theory of the case during trial.[29]

23. Second, the trial court abused its discretion in admitting Corporal Thompson's statement that the "likelihood of something occurring [was] very high" and referencing Merritt's height and weight. Merritt contends that this testimony was unduly prejudicial because it suggested to the jury that Merritt had a propensity for violence.

24. Finally, if the conviction is not reversed, Merritt contends that the trial judge abused his discretion by imposing a sentence that included a condition of no traffic violations while on probation.

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[28] *Id.* at 19.
[29] *Id*. at 26-27.

25. The State responds that Corporal Thompson effected a lawful detention under Section 1902, but even if he did not possess reasonable articulable suspicion of a crime, Merritt had no right to resist even an unlawful arrest. The State contends that the trial court did not abuse its discretion in admitting the challenged evidence or imposing the challenged condition.

III. *Legal Standards*

26. When a defendant appeals on the ground of insufficient evidence to support a guilty verdict, "'the relevant question is whether after reviewing the evidence in the light most favorable to the prosecutor, any rational trier of fact could have found the essential elements of a crime beyond a reasonable doubt.'"[30] The court need not be convinced that "*it* believes that the evidence at trial established guilty beyond a reasonable doubt. It must merely inquire as to whether *any* rational trier of fact could have found that guilt was established."[31]

27. When a defendant challenges the admissibility of evidence, the reviewing "court limits itself to determining whether the trial court abused its discretion in admitting the challenged evidence."[32] "'An abuse of discretion occurs

[30] *Davis v. State*, 453 A.2d 802, 803 (1982) (quoting *Jackson v. Virginia*, 443 U.S. 307, 317 (1979)).
[31] *Skinner v. State,* 575 A.2d 1108, 1121 (1990) (emphasis in original).
[32] *Floudiotis v. State,* 726 A.2d 1196, 1202 (Del. 1999).

when 'a court has ... exceeded the bounds of reason in view of the circumstances,' [or] ... so ignored recognized rules of law or practice ... to produce injustice.'"[33]

IV. *Discussion*

A. *Merritt's challenge to sufficiency of the evidence*

28. During the traffic stop and at trial, Corporal Thompson relied on Section 1902 as the basis for detaining Merritt for failing to provide identification. Section 1902 provides:

> (a) A peace officer may stop any person abroad, or in a public place, who the officer has reasonable ground to suspect is committing, *has committed or is about to commit a crime*, and may demand the person's name, address, business abroad and destination.
> (b) Any person so questioned who fails to give identification or explain the person's actions to the satisfaction of the officer may be detained and further questioned and investigated.
> (c) The total period of detention provided for by this section shall not exceed 2 hours. The detention is not an arrest and shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime.[34]

29. Merritt spends much of his briefs arguing that Corporal Thompson had no basis to detain Merritt under Section 1902 and no basis to remove him from the vehicle as there was no suspicion of a crime, sufficient identification had been provided, and there were no safety concerns.[35] Therefore, according to Merritt,

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[33] *Id.* (quoting *Lilly v. State,* 649 A.2d 1055, 1059 (Del. 1994) (citation omitted)).
[34] 11 *Del. C.* § 1902 (emphasis added).
[35] OB at 12-18.

Corporal Thompson "was not effecting an arrest. He was not effecting a lawful detention. He was enforcing an identification demand" that the trial court acknowledged was "just an incorrect statement of the law."[36] Merritt tries to bolster his argument with Corporal Thompson's testimony that he did not say— "You are under arrest"—before or during the removal of Merritt from the vehicle.[37]

30. Under 11 *Del. C.* § 1257(b), a person is guilty of resisting arrest when the person prevented or attempted to prevent a peace officer from effecting the arrest or detention of defendant and the defendant acted intentionally.[38] A person acts "intentionally" if "it is the person's conscience object to engage in conduct of that nature or to cause that result."[39]

31. As the court in *Ellison v. State* held, the law gives no right to resist an arrest by a police officer, whether or not the arrest was lawful.[40] As the *Ellison* court observed, the commentary to Section 1257 states:

> It will be recalled that this Criminal Code gives no right to resist an arrest by a police officer, whether or not the arrest was lawful and whether or not the accused knew the arrester was a police officer (Citation to s 464(d)). This is a complementary section designed to make an arrest by a peace officer a substantive offense. The goal is to have him submit, calmly explain to the officer that the arrest was not

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[36] *Id*. at 19.
[37] *Id*.
[38] Tr. Day 2 at 54.
[39] 11 *Del. C.* § 231(b).
[40] *Ellison v. State*, 410 A.2d 519 (Del. Super. 1979), *aff'd* 437 A.2d 1127 (Del. 1981), *cert. denied* 455 U.S. 1026 (1982).

> warranted, and if that fails to explain it to the committing magistrate. He may not seek to prevent the arrest or use flight to resist the arrest . . . . It seems good policy to insist that (peace officer) efforts to make an arrest meet with no physical resistance . . . .[41]

32. The Delaware Supreme Court confirmed that the illegality of the underlying arrest is not a defense to a charge of resisting arrest. In *Jones v. State*, the court stated:

> The statute does not make a distinction between legal and illegal arrests. But the law of Delaware is that the term "arrest" as used in the statute refers only to the physical act of arrest and not to the underlying legality of the arrest. Thus, a defendant may be found guilty of resisting an illegal arrest.[42]

33. "The purpose behind the rule that resisting even an illegal arrest constitutes a crime is to foster the effective administration of justice, to deter resistance to arrest and to provide for the safety both of peace officers and the citizens of Delaware."[43]

34. The Court finds that whether Corporal Thompson had the legal authority to demand Merritt's identification or ask him to step out of the vehicle for failing to provide the identification, is not relevant to the question of whether the State proved beyond a reasonable doubt that Merritt resisted arrest. The officer

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[41] *Ellison,* 410 A.2d at 523.
[42] *Jones v. State*, 745 A.2d 856, 872 (Del. 1999) (citations omitted).
[43] *Carter v. State,* 814 A.2d 443, 446 (Del. 2002).

warned Merritt that if he did not step out of the vehicle, he would be arrested. The evidence shows that Merritt resisted by failing to follow the officer's command and physically resisted when he "held his weight" to the seat. Under these facts, a reasonable jury could find beyond a reasonable doubt that Merritt resisted arrest.

35. Merritt argues that *Ellison* does not control because it "presupposes awareness that an arrest or detention is being effected."[44] He contends there was no arrest being effected because Corporal Thompson's statement that if Merritt did not exit the vehicle "he will be arrested" was only a threat of future arrest, which is insufficient. Alternatively, if a "detention or arrest was underway," Merritt argues that the State failed to prove he acted intentionally because the officer did not announce Merritt was being arrested.[45]

36. The issue, as Merritt has framed it, is essentially that Corporal Thompson did not manifest an intent to effect an arrest. This argument lacks merit. *Shelton v. State* is instructive. There, the defendant argued that the officers failed to manifest their intent to effect a detention or an arrest by yelling "Police. Stop."[46]

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[44] OB at 15-16; Appellant's Reply Brief ("RB") at 4-6. D.I. 9.
[45] RB at 5. The State argues that while Merritt argued for judgment of acquittal, it was based on failure to show he acted intentionally, but he did not raise the argument that no arrest was effected. State's Answering Brief, at 7-9; *Hardin v. State,* 844 A.2d 982, 990 (Del. 2004) (the court will not review any question not fairly raised in the trial court). The Court disagrees. Merritt did argue below that no arrest had been effected. Tr. at 121-22.
[46] *Shelton v. State*, 628 A.2d 84 (Del. 1993).

The Delaware Supreme Court rejected this argument, ruling that the police officer's command indicated "at the very least, an intent to detain the individual, if not to effect an arrest."[47] Here, as Merritt admits, the officer told Merritt several times he could detain Merritt and that he would be arrested. This is sufficient to manifest an intent to effect an arrest. Further, Merritt's repeated statements that "I am not resisting," is a recognition that the officer sought to detain or arrest him.[48]

37. Merritt's contention that the trial judge's comments show why he precluded Merritt from making arguments, is based on an incorrect premise.[49] The trial court did not preclude Merritt from presenting his theory of the case to the jury. During closing arguments, Merritt's counsel argued that the law does not require a passenger to carry identification and further, that an arrest was not being effected.[50] Thus, this argument, likewise, is meritless.

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[47] *Id.*

[48] *See Id.* ("Shelton's act of submission evidenced his recognition that the police sought to detain him, if not effect his arrest, by shouting to him to stop."); *see also, Winborne v. State*, 455 A.2d 357, 360-61 (Del. 1982) (finding evidence sufficient to sustain conviction of resisting arrest where police failed to inform him that he was under arrest when they attempted to pull him out from under a bed while he was kicking and screaming).

[49] Merritt contends that the trial judge prevented Merritt's counsel from making an argument because counsel was "bordering on arguing something to the jury that is legally incorrect." OB at 26, citing Tr. at 14. The court's comment, however, was not referring to a citizen having to carry identification, as Merritt suggests. Rather, the court stated that it would be an incorrect statement of the law to say that an officer who stops a vehicle "under the proper circumstances," does not have the authority to detain an individual. Tr. at 14. Merritt's counsel agreed with the trial judge that under certain circumstances, occupants of a vehicle may be detained.

[50] Tr. Day 2 at 38-43.

B. *Merritt's challenge to admission of evidence*

38. Merritt argues that Corporal Thompson's testimony that Merritt was six feet, one inch tall and weighed 300 pounds, followed by "[t]he likelihood of something occurring is very high," constitutes improper character evidence under Delaware Rule of Evidence ("DRE") 404 and should have been excluded under DRE 403.[51] He claims he was deprived of a fair trial, as is evidenced by the jury deliberating for three hours on a single charge, which he asserts is "the hallmark of a close case."[52]

39. Under DRE 404, character evidence is inadmissible "to prove that on a particular occasion the person acted in accordance with the character or trait."[53] "Neither the defendant nor the prosecution may offer evidence of 'general' good or bad character."[54] While a propensity for violence may be character evidence, the Court finds that the challenged testimony is not character evidence because Corporal Thompson was not offering any testimony on Merritt's propensity, as the officer had no such evidence. Thus, Merritt's argument under DRE 404 fails.

40. Corporal Thompson's testimony is more appropriately analyzed under DRE 403. Under DRE 403, relevant evidence may be excluded if its probative value

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[51] OB at 20-24.
[52] RB at 12.
[53] DRE 404(a); *Keys v. State,* 351 A.3d 479, 489 (Del. 2025).
[54] *Nieves v. State*, 817 A.2d 804 (Del. 2003).

is substantially outweighed by a danger of, among other things, unfair prejudice or confusion of the issues. "Generally, unfair prejudice within the context of DRE 403 means an undue tendency to suggest that the jury will render an adverse decision based on emotional grounds, instead of properly weighing the evidence."[55]

41. Corporal Thompson had just testified that he had been asking Merritt for his identification for four to five minutes, when the officer was asked why he opened the vehicle door.[56] Corporal Thompson testified that he did so because after several minutes of explaining to Merritt that he was resisting detention, the officer did not want the situation to "go on any further because then it could lead to a physical altercation" and he asked Merritt to step out.[57] Merritt did not follow the officer's command. The officer was then asked if he had any safety concerns at that point, which is when he made the challenged statement. In the several minutes leading up to the point when the officer opened the door, Merritt would not answer the officer's questions and continued to "passively resist."

42. The Court finds that admitting this evidence was not an abuse of discretion. Having just explained that if the situation continued, it could escalate into a physical altercation and with the size disparity between the officer and Merritt,

[55] *Gallaway v. State*, 65 A.3d 564, 570 (Del. 2013).
[56] Tr. at 69-70.
[57] *Id*. at 71-72.

the officer expressed his safety concern. The relevance of this testimony was not substantially outweighed by unfair prejudice. The Court finds that the length of the jury's deliberation is no indication of prejudice.

C. *Merritt's challenge to sentence*

43. Merritt argues that the trial judge abused his discretion by imposing a special condition of no motor vehicle violations during probation because Merritt was convicted of resisting arrest, not a traffic violation.[58]

44. Under 11 *Del. C.* § 4204, a sentencing judge may:

> order the offender to engage in a specified act or acts, or to refrain from engaging in a specified act or acts, as deemed necessary by the court to ensure the public peace, the safety of the victim or the public, the rehabilitation of the offender, … or for any other purpose consistent with the interests of justice.

"A trial judge 'has broad discretion in setting probation conditions, including restricting fundamental rights.'"[59]

45. In his sentence, the trial judge imposed a special condition of community service, which Merritt does not challenge. The judge also said that the one year of probation may be suspended after completion of the community service

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[58] Relying on *Pennell v. State,* 604 A.2d 1368 (Del. 1992), Merritt argues that the imposition of a special condition must bear a "reasonable relationship to any permissible sentencing purpose." OB at p. 29. *Pennell*, which addressed sentencing under the now repealed death penalty provision, does not establish any such reasonable relationship test for special conditions.

[59] *Paczkowski v. State*, 2026 WL 2225116, at *5 (Del. July 31, 2026) (quoting *James v. Sate*, 937 A.2d 140 (TABLE), 2007 WL 3034805, at *3 (Del. Oct. 18, 2007)) (cleaned up).

and six months, if there were no violations of probation. The judge went on to explain various scenarios so that Merritt understood that if he wanted to have his probation discharged after six months, there could be *no violations*, not just driving offenses. Committing no new criminal offenses or moving motor vehicle offenses during probation is a standard condition; not a special condition.[60] Accordingly, Merritt's argument has no merit as the trial court did not impose any such additional special condition and the trial judge did not abuse his discretion in imposing Merritt's sentence.

IT IS SO ORDERED.

/s/Kathleen M. Miller
Kathleen M. Miller, Judge

[60] The Department of Corrections is authorized to adopt standard conditions of probation. 11 *Del. C.* 4332(a)(1). *See* Delaware Sentencing Accountability Commission Benchbook 2025, p. 147 (Condition 1. "You must not commit a new criminal offense or moving motor vehicle offense during the supervision period."). https://cjc.delaware.gov/wp-content/uploads/sites/61/2025/06/Bench-Book-2025-Final.pdf.