IN THE SUPREME COURT OF THE STATE OF DELAWARE

BEN ROTEN,	§	
	§	
Defendant Below,	§	No. 80, 2026
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	
STATE OF DELAWARE,	§	Cr. ID Nos. 0401005180 (S)
	§	0907011738 (S)
Appellee.	§	
	§	

Submitted: August 28, 2026
Decided: November 2, 2026

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

ORDER

After consideration of the parties' briefs and the record on appeal, we conclude that the judgment below should be affirmed on the basis and for the reasons assigned in the Superior Court's order, dated January 28, 2026, denying the appellant's motion to compel the return of good time he had forfeited. Absent plain error, which we do not find here, we decline to consider the arguments that the appellant raises for the first time on appeal.[1]

[1] *See* 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 judgment of the Superior Court be AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice