

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RYAN M. RESOP,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

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§ No. 182, 2017

§

§ Court Below—Superior Court
§ of the State of Delaware

§

§ Cr. ID No. 0701010111 (N)

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Submitted: July 27, 2017

Decided: August 31, 2017

Before **VAUGHN, SEITZ, and TRAYNOR**, Justices.

ORDER

This 31st day of August 2017, after careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court’s order, dated March 28, 2017, denying the appellant’s time-barred and repetitive motion for modification of sentence under Superior Court Rule 35(b). The appellant’s unsupported argument that he should be credited with hypothetical good time he would have earned had he not been erroneously identified as a State witness did not constitute “extraordinary circumstances” under Rule 35(b).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice