

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDRE MURRAY,	§
	§
Defendant Below,	§ No. 41, 2021
Appellant,	§
	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID No. 1710007866 (N)
Plaintiff Below,	§
Appellee.	§
	§

Submitted: May 26, 2021

Decided: July 30, 2021

Before **SEITZ**, Chief Justice; **TRAYNOR** and **MONTGOMERY-REEVES**, Justices.

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we find it evident that the judgment below should be affirmed on the basis of and for the reasons assigned in the Superior Court’s December 22, 2020 order denying the appellant’s motion for postconviction relief.¹ Because the Superior Court had already ruled on the appellant’s motion for postconviction relief, it correctly denied as moot the appellant’s motion for an extension of time to file an amended motion for postconviction relief. And absent

¹ *State v. Murray*, 2020 WL 7624853 (Del. Super. Ct. Dec. 22, 2020).

plain error—which we do not find here—we will not consider the arguments that the appellant makes for the first time on appeal.²

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/ Tamika R. Montgomery-Reeves
Justice

² 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.”).