

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VERNON MONTGOMERY,	§
	§ No. 353, 2021
Defendant Below,	§
Appellant,	§
	§ Court Below–Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§
	§ Cr. ID No. 1710001043A/B (N)
Appellee.	§

Submitted: May 13, 2022

Decided: July 25, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

After careful consideration of the parties’ briefs and the record on appeal, we conclude that the judgment below should be affirmed on the basis of and for the reasons assigned by the Superior Court in its October 1, 2021 order denying the appellant’s first motion for postconviction relief.¹

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

¹ *State v. Montgomery*, 2021 WL 4497405 (Del. Super. Ct. Oct. 1, 2021). The appellant also filed two motions in connection with his appeal: a motion to strike the State’s waiver argument and a motion to take judicial notice of one of his arresting officer’s 2021 arrest for assault and related charges. Because the appellant substantively raised in his reply brief the same argument he makes in his motion to strike, that motion is denied as MOOT. And, despite the appellant’s claims, the officer’s recent arrest does not call into question her veracity in general or as it relates to her testimony in the proceedings leading to the appellant’s convictions. The motion to take judicial notice is therefore DENIED.