

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEPHEN NOVAK,	§
	§ No. 173, 2025
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 2301005645 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: November 7, 2025

Decided: January 12, 2026

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

**ORDER**

After consideration of the parties’ briefs and the Superior Court record, we find it evident that the Superior Court’s April 1, 2025 order denying the appellant’s motion for postconviction relief should be affirmed. By pleading guilty to first degree assault, Novak waived the right to challenge the sufficiency of the evidence supporting the conviction.<sup>1</sup> To the extent that the appellant believes that his conviction for first-degree assault required a showing that the victim sustained more than “only” a broken nose, he is incorrect: the appellant was charged with (and acknowledged he was guilty of) first-degree assault under 11 *Del. C.* § 613(a)(3),

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<sup>1</sup> *Soto v. State*, 2019 WL 2523486, at \*1 (Del. June 18, 2019) (“As a result of his knowing, intelligent, and voluntary no-contest plea, Soto waived his right to challenge the evidence against him.”).

which requires a showing that the defendant recklessly engaged in conduct that created a substantial risk of death to another person, and thereby caused serious physical injury to the person; and, as the appellant acknowledges, “[a] broken nose is a ‘serious physical injury’....”<sup>2</sup>

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

BY THE COURT:

/s/ Karen L. Valihura  
Justice

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<sup>2</sup> Opening Br. at 11.