

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTOINETTE HARRIS,	§
	§
Defendant Below-	§ No. 600, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9608016951
Plaintiff Below-	§
Appellee.	§

Submitted: January 14, 2008

Decided: April 3, 2008

Before **HOLLAND, BERGER,** and **RIDGELY,** Justices.

ORDER

This 3rd day of April, 2008, upon consideration of the parties' briefs, their supplemental memoranda, and the record on appeal, it appears to the Court that:

(1) The appellant, Antoine Harris, filed this appeal from the Superior Court's October 27, 2006 order denying his motion for postconviction relief. Harris filed his petition for postconviction relief following his June 21, 2006 sentencing on a violation of probation (VOP). On July 5, 2007, this Court, in appeal number 451, 2006, rescinded the Superior Court's June 21 sentencing order and remanded the matter for resentencing. The Superior Court resentenced Harris on the VOP on August

15, 2007. His appeal from that sentencing order is pending before the Court in appeal number 487, 2007.

(2) This Court's order rescinding the Superior Court's June 21, 2006 sentencing order voided, *ab initio*, the Superior Court's October 27, 2006 postconviction order. Postconviction relief may only be pursued when a conviction is final. Harris' VOP adjudication is not yet final because his appeal from that sentence is still pending. This Court has no jurisdiction to consider Harris' present appeal because the order being appealed is a nullity.

NOW, THEREFORE, IT IS ORDERED that this appeal is hereby DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice