

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NORMAN MORRISEY,	§
	§ No. 323, 2016
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID 91006237DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 8, 2016
Decided: October 10, 2016

Before **HOLLAND, VALIHURA, and VAUGHN**, Justices.

ORDER

This 10th day of October 2016, the Court has considered Norman Morrissey’s appeal from the Superior Court’s denial of his motion to alter or amend the judgment or, alternatively, motion for relief from judgment under Superior Court Civil Rules 59(d) and 60(b)(6). The judgment that Morrissey seeks to alter or amend is the Superior Court’s January 12, 2016 judgment denying his motion for correction of his criminal sentence. Neither Civil Rule 59 nor Civil Rule 60 may be invoked in this case as a means for Morrissey to seek review of his criminal sentence. First, we note that Morrissey filed an appeal from the Superior Court’s January 12, 2016 judgment, which this Court dismissed as untimely. Morrissey cannot use the Superior Court’s Civil Rules as a means to avoid the jurisdictional

bar to this Court's review of his untimely appeal. Moreover, this Court has held many times, that the Superior Court Civil Rules may not be used in a criminal proceeding to collaterally attack a conviction¹ or to modify a sentence.²

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

BY THE COURT:

/s/ Karen L. Valihura
Justice

¹ *Jackson v. State*, 2007 WL 2231072 (Del. Aug. 2, 2007).

² *Landry v. State*, 2015 WL 4464772 (Del. July 20, 2015); *Johnson v. State*, 2015 WL 1880412 (Del. Apr. 21, 2015).