

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILMER L. MILTON,	§
	§
Defendant Below-	§ No. 424, 2014
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§
	§ Cr. ID No. 1103018831
Plaintiff Below-	§
Appellee.	§

Submitted: September 3, 2014
Decided: September 12, 2014

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

ORDER

This 12th day of September 2014, it appears to the Court that:

(1) On August 6, 2014, the appellant, Wilmer L. Milton, filed a letter with the Court expressing his intent to file an appeal from the Superior Court’s decision on his motion for postconviction relief under Superior Court Criminal Rule 61. On August 12, 2014, Milton filed another letter stating that the Superior Court had not yet issued a decision on his motion for postconviction relief.

(2) The Senior Court Clerk issued a notice under Supreme Court Rule 29(b), directing Milton to show cause why the appeal should not be dismissed for the Court’s lack of jurisdiction to consider an interlocutory appeal in a criminal matter.

(3) In his response to the notice show cause, Milton stated that the matter should not be dismissed and that the Superior Court had not yet issued a decision on his motion for postconviction relief. Under the Delaware Constitution, this Court may only review a final judgment in a criminal case.¹ Based upon a review of the Superior Court docket, there is presently no final judgment subject to review. Thus, this Court does not have jurisdiction to review this appeal.²

NOW, THEREFORE, IT IS HEREBY ORDERED, under Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ Del. Const. art. IV, § 11(1)(b).

² *Gottlieb v. State*, 697 A.2d 400, 401 (Del. 1997).