

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DETLEF F. HARTMANN,	§
	§
Defendant Below-	§ No. 367, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 9912000027
Plaintiff Below-	§
Appellee.	§

Submitted: September 3, 2004
Decided: September 27, 2004
Corrected: October 13, 2004

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

ORDER

This 13th day of October 2004, it appears to the Court that:

(1) The appellant, Detlef Hartmann, filed this appeal from a decision of a Superior Court Commissioner, dated August 9, 2004. The Commissioner's order denied Hartmann's attempts to reargue the Commissioner's July 21 order granting the State an extension of time in which to respond to Hartmann's motion for postconviction relief. The Clerk of this Court issued a notice to Hartmann to show cause why his appeal should be dismissed based on the Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal case.

(2) Hartmann responded to the notice to show cause on September 3, 2004. Hartmann's response does not address the jurisdictional issue raised in the notice to show cause, but instead seeks certification under Supreme Court Rule 41 of the issues he wants to raise on appeal.

(3) Under the Delaware Constitution, this Court may only review a final judgment in a criminal case.¹ The Superior Court Commissioner's denial of Hartmann's attempt to reargue the earlier extension order is clearly an unappealable interlocutory ruling.² As a result, this Court does not have jurisdiction to review this appeal.³ Moreover, Hartmann's attempt at certification under Rule 41 is unavailing. Under Rule 41, this Court will only consider accepting important and urgent questions that are certified to it by other Delaware or federal courts.⁴ Rule 41 does not apply in this case.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ Del. Const. art. IV, § 11(1)(b).

² See *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998).

³ See *Gottlieb v. State*, 697 A.2d 400 (Del. 1997).

⁴ See Del. Supr. Ct. R. 41(a).