

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HOWARD WOODLIN,	§
	§ No. 98, 2012
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 0709033390
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 13, 2012

Decided: July 12, 2012

**ORDER**

This 12<sup>th</sup> day of July 2012, it appears to the Court that:

(1) The appellant, Howard Woodlin, filed an appeal from the Superior Court’s December 14, 2011 and February 27, 2012 orders denying his motion for reconsideration of the Superior Court Commissioner’s denial of his motion to amend his postconviction motion pursuant to Superior Court Criminal Rule 61. For the reasons that follow, we conclude that Woodlin’s appeal must be dismissed.

(2) The record before us reflects that, in November 2008, Woodlin was convicted of Rape in the First Degree and related offenses. Woodlin’s

convictions were affirmed by this Court on direct appeal.<sup>1</sup> Thereafter, Woodlin filed a motion for postconviction relief in the Superior Court. While his postconviction motion was pending before the Superior Court Commissioner, Woodlin filed a motion to amend his opening brief. The Commissioner denied the motion. Woodlin filed a motion for reconsideration with the Superior Court judge, which was denied. This appeal ensued.

(3) Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case.<sup>2</sup> This Court has no jurisdiction to entertain an appeal from an interlocutory order in a criminal case.<sup>3</sup> The order from which Woodlin purports to take an appeal is clearly interlocutory.<sup>4</sup> Because this Court has no jurisdiction to entertain Woodlin's appeal from an interlocutory order in his criminal case, the appeal must be dismissed.

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<sup>1</sup> *Woodlin v. State*, 3 A.3d 1084 (Del. 2010).

<sup>2</sup> Del. Const. art. IV, §11(1) (b); *Gottlieb v. State*, 697 A.2d 400, 401 (Del. 1997).

<sup>3</sup> *Id.*

<sup>4</sup> *J.L. Kislak Mortgage Corp. of Del. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973); *Showell Poultry, Inc. v. Delmarva Poultry Corp.*, 146 A.2d 794, 796 (Del. 1958).

NOW, THEREFORE, IT IS ORDERED that the appeal is  
DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice