

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WARREN J. WYANT,	§
	§
Defendant Below-	§ No. 123, 2014
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 83000839DI
Plaintiff Below-	§
Appellee.	§

Submitted: March 18, 2014

Decided: March 19, 2014

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

ORDER

This 19th day of March 2014, it appears to the Court that:

(1) On March 10, 2014, the Court received appellant’s notice of appeal following the Superior Court’s hearing on his motion for reduction of sentence. At the conclusion of the hearing, the judge announced that appellant’s motion was denied in part and granted in part and that a new sentencing order would be issued. The new sentencing order has not yet been entered on the Superior Court docket. The Clerk issued a notice to appellant to show cause why his appeal should not be dismissed for this Court’s lack of jurisdiction to consider an interlocutory appeal in a criminal case.

(2) The appellant filed a response to the notice to show cause on March 18, 2014. He contends that his appeal is not interlocutory because the Superior Court orally pronounced its modified sentence at the February 14 hearing on his motion.

(3) This Court's jurisdiction in criminal cases is limited to the review of final judgments.¹ In a direct criminal appeal, the proceeding in the Superior Court is deemed final on the date the sentence is imposed.² In a postconviction proceeding such as this, however, the judgment is not deemed final until the order is entered upon the trial court docket.³ The Superior Court has not entered a final order in this case and, in fact, has given the parties until March 20, 2014 to comment on a draft sentencing order. Accordingly, the appeal is interlocutory, and this Court lacks jurisdiction to consider it.

NOW, THEREFORE, IT IS ORDERED, pursuant to Section 11(1)(b) of Article IV of the Delaware Constitution, that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ Del. Const. art. IV, § 11(1)(b).

² *Eller v. State*, 531 A.2d 948, 950 (Del. 1987).

³ Del. Supr. Ct. R. 6(a)(iii) (2014).