

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICKY WHITFIELD,	§	
	§	No. 635, 2011
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiffs Below,	§	Cr. ID No. 86001906DI
Appellee.	§	

Submitted: December 7, 2011
Decided: January 26, 2012

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

O R D E R

This 26th day of January 2012, it appears to the Court that:

(1) On November 23, 2011, the Court received the appellant’s notice of appeal from the Superior Court’s letter order of October 27, 2011 denying his “motion requesting documents” in the above-captioned criminal matter. On November 30, 2011, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing that the appellant show cause why the appeal should not be dismissed based upon this Court’s lack of jurisdiction to entertain an interlocutory appeal in a criminal matter.

(2) On December 7, 2011, the appellant filed a response to the notice to show cause. The appellant contends that the October 27, 2011 letter order

is a final judgment that was stayed by his timely-filed, but still pending, motion to alter or amend the judgment.

(3) Under the Delaware Constitution, only a final order may be reviewed by this Court in a criminal case.¹ The Superior Court's October 27, 2011 letter order denying the appellant's "motion for documents" is not a final order because it does not resolve all of the issues in the appellant's criminal case, *i.e.*, the appellant's claims under Superior Court Criminal Rule 61.²

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ Del. Const. art. IV, § 11(1)(b).

² See *Croll v. State*, 2011 WL 3556916 (Del. Supr.) (citing *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973)).