

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
ADMINISTRATIVE ORDER AMENDING RULE 61
OF THE
SUPERIOR COURT RULES OF CRIMINAL PROCEDURE**

This 15th day of December, 2023, **IT IS ORDERED** that:

(1) Superior Court Criminal Rule 61(m) is amended to read as follows:

(m) *Miscellaneous Provisions.*

(1) A judgment of conviction is final for the purpose of this rule as follows:

(i) If the defendant does not file a direct appeal, 30 days after the Superior Court imposes sentence;

(ii) If the defendant files a direct appeal or there is an automatic statutory review of a death penalty, when the Supreme Court issues a mandate or order finally determining the case on direct review; or

(iii) If the defendant files a petition for certiorari seeking review of the Supreme Court's mandate or order, when the United States Supreme Court issues a mandate or order finally disposing of the case on direct review.

(2) When a petition is properly filed under this rule while the defendant is in custody under a sentence of this court, and that petition seeks to set aside the specific judgment of conviction for which the defendant is then in custody, the defendant's satisfaction of all terms of that sentence during the pendency of the petition shall not render the petition moot if the defendant pleads that there are continuing collateral consequences arising from the specific judgment of conviction. The court shall decide

or otherwise dispose of that pending petition in accordance with the applicable provisions of this rule.

(3) This amendment shall take effect on January 1, 2024 and shall apply to any petition filed under Criminal Rule 61 on or after that date and to any petition then pending disposition no matter the stage of that proceeding in this court or on appeal.

(4) An original of this Order shall be filed with the Prothonotary for each county.

/s/ Jan R. Jurden
Jan R. Jurden, President Judge