

SUPREME COURT OF DELAWARE

Whitfield v. State

981 A.2d 1174 (Del. 2009) · No. No. 167, 2009 · Decided September 29, 2009

SUMMARY

The Delaware Supreme Court dismissed Whitfield’s appeal from the denial of his motion for a new trial because the notice of appeal was untimely and the untimely motion for reargument did not toll the appeal period. The Court affirmed the denial of Whitfield’s motion to reconsider because it was properly treated as an untimely motion for reargument.

CASE DETAILS

|                       |                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Delaware                                                                                                                                                                     |
| WRITING FOR THE COURT | Myron T. Steele, Chief Justice; Holland, Justice; Ridgely, Justice                                                                                                                            |
| JURISDICTION          | Delaware                                                                                                                                                                                      |
| DECIDED               | September 29, 2009                                                                                                                                                                            |
| DOCKET                | No. 167, 2009                                                                                                                                                                                 |
| DISPOSITION           | other                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Whitfield appealed the Superior Court's denial of his motion for new trial and its denial of his motion to reconsider, which the Superior Court treated as an untimely motion for reargument. |
| PRECEDENTIAL VALUE    | Published per curiam order of the Supreme Court of Delaware; precedential value is not otherwise specified in the supplied text.                                                              |
| PARTIES               | Mustafa Whitfield v. State of Delaware                                                                                                                                                        |

TOPICS

- appellate jurisdiction
- appellate procedure
- final judgment rule
- criminal procedure
- post-conviction relief

PRACTICE AREAS

- criminal appellate procedure
- post-conviction procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Delaware had jurisdiction to review the February 23, 2009 order denying Whitfield's motion for new trial when the notice of appeal was filed on March 26, 2009.

2. Whether the Superior Court properly treated Whitfield's motion to reconsider as a motion for reargument and denied it as untimely.
3. Whether an untimely motion for reargument tolls the jurisdictional period for filing a notice of appeal.

#### **HOLDINGS**

1. The Superior Court properly characterized Whitfield's motion to reconsider as a motion for reargument, and because it was filed more than five days after the order sought to be reargued, the Superior Court had no authority to consider it.
2. An untimely motion for reargument did not toll the jurisdictional period for filing a notice of appeal.
3. The Supreme Court lacked jurisdiction to consider Whitfield's appeal from the February 23, 2009 order because the notice of appeal was filed one day after the jurisdictional deadline.

#### **KEY QUOTATIONS**

*“The Superior Court has no authority to consider an untimely motion for reargument.”*

*“Whitfield's untimely motion for reargument also did not toll the jurisdictional time period for filing a notice of appeal.”*

#### **FACTUAL BACKGROUND**

Whitfield was convicted of several offenses in February 2004. After prior direct-appeal and postconviction proceedings, he filed a motion for new trial on February 14, 2009. The Superior Court denied that motion on February 23, 2009, and later denied his March 13 motion to reconsider after treating it as a motion for reargument filed outside the applicable five-day period.

#### **PROCEDURAL HISTORY**

Whitfield was convicted in February 2004, and the Supreme Court of Delaware affirmed his convictions on direct appeal. The Supreme Court later affirmed the denial of his postconviction-relief motion. Whitfield filed a motion for new trial on February 14, 2009; after its denial, he filed a motion to reconsider on March 13, 2009. The Superior Court treated that filing as a motion for reargument and denied it as untimely. The Supreme Court dismissed the appeal from the February 23 order as untimely and affirmed the March 17 order.

#### **DISPOSITION**

other

#### **CASES CITED**

- Whitfield v. State, 867 A.2d 168 (Del. 2004)
- Whitfield v. State, 2005 WL 3439710 (Del. Supr.)
- Preform Bldg. Components, Inc. v. Edwards, 280 A.2d 697, 698 (Del. 1971)
- Brooks v. State, 2008 WL 5250269 (Del. Supr.)

- *McDaniel v. DaimlerChrysler Corp.*, 860 A.2d 321, 323 (Del. 2004)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/delaware-supreme-court-of-delaware/2009/whitfield-v-state-3c272ho0>