

SUPERIOR COURT OF THE STATE OF DELAWARE

State v. Azofeifa-Ramirez

State v. Azofeifa-Ramirez · No. 2502006448 · Decided March 12, 2026

SUMMARY

The Delaware Superior Court denied Bryan Azofeifa-Ramirez’s application for certification of an interlocutory appeal from an order partially granting and partially denying his motion to suppress. The court held that the Delaware Supreme Court lacks jurisdiction to hear interlocutory appeals in criminal cases, even if the Superior Court were to certify the appeal.

CASE DETAILS

COURT	Superior Court of the State of Delaware
JURISDICTION	Delaware Superior Court
DECIDED	March 12, 2026
DOCKET	2502006448
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Defendant sought certification of an interlocutory appeal from the Superior Court's prior order granting in part and denying in part his motion to suppress.
PRECEDENTIAL VALUE	published
PARTIES	Bryan Azofeifa-Ramirez v. State of Delaware

TOPICS

- interlocutory appeal
- appellate jurisdiction
- appellate procedure
- criminal procedure
- constitutional law

PRACTICE AREAS

- appellate procedure
- criminal procedure
- constitutional law

QUESTIONS PRESENTED

- Whether the Superior Court should certify an interlocutory appeal from its order partially granting and partially denying the defendant's motion to suppress.
- Whether the Delaware Supreme Court has jurisdiction to hear an interlocutory appeal in a criminal case.

HOLDINGS

1. Under the Delaware Constitution, the Delaware Supreme Court does not have jurisdiction to hear an interlocutory appeal in a criminal case and may review only a final judgment.
2. The defendant's application for certification of an interlocutory appeal is denied.

KEY QUOTATIONS

“Under the Delaware Constitution, the [Supreme] Court ‘does not have jurisdiction to hear an interlocutory appeal in a criminal case.’” (at 2)

“Thus, ‘the Supreme Court could not review the Court’s interlocutory order, even if the Court certified the appeal.’” (at 2)

FACTUAL BACKGROUND

The underlying criminal case involved a motion to suppress and a constitutional question concerning whether the independent source doctrine could avoid suppression of evidence previously discovered under a general warrant. After the Superior Court ruled on that motion, the defendant sought interlocutory appellate certification. The application did not address whether the Delaware Supreme Court has jurisdiction to hear an interlocutory appeal in a criminal case.

PROCEDURAL HISTORY

On March 10, 2026, the Superior Court issued an opinion partially granting and partially denying the defendant's motion to suppress. The defendant immediately applied for certification of an interlocutory appeal under Delaware Supreme Court Rule 42. The State responded that the Delaware Supreme Court lacks jurisdiction to hear interlocutory appeals in criminal cases, and the Superior Court denied certification.

DISPOSITION

writ_denied

CASES CITED

- Gottleib v. State, 697 A.2d 400 (Del. 1997)
- State v. Cooley, 430 A.2d 789 (Del. 1981)
- Matter of Taylor, 2023 WL 8379200, at *2 (Del. Dec. 5, 2023)
- Bacon v. State, 2024 WL 4367441, at *1 (Del. Oct. 1, 2024)
- Johnson v. State, 2013 WL 3004063, at *1 (Del. Super. May 20, 2013)

OPINION

State v. Azofeifa-Ramirez

PER CURIAM.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
STATE OF DELAWARE)

) v.) ID No. 2502006448)
BRYAN AZOFEIFA-RAMIREZ,)
) Defendant.)

ORDER DENYING DEFENDANT’S CERTIFICATION OF AN
INTERLOCUTORY APPEAL

On this 12th day of March 2026, upon Defendant Bryan Azofeifa-Ramirez’s Application for Certification of an Interlocutory Appeal (the “Application”),¹ the State’s response to the Application (the “Response”),² and the record in this case, the Court finds that:

1. On March 10, 2026, the Court issued its Opinion granting in part, and denying in part, Defendant’s Motion to Suppress.³ In doing so, the Court decided an important constitutional question: “whether the independent source doctrine can be used to avoid suppression of evidence previously discovered pursuant to a general warrant.”⁴
2. That same day, on March 10, 2026, Defendant filed his Application, purportedly pursuant to Delaware Supreme Court Rule 42.5 Despite acknowledging 1 D.I. 39. 2 D.I. 40. 3 D.I. 38. 4 Id. at 3. 5 D.I. 39. 1 that “Delaware Supreme Court Rule 42 imposes strict procedural requirements governing applications for interlocutory appeal,”⁶ Defendant failed to address the Supreme Court’s ability to hear interlocutory appeals in criminal cases.
3. On March 12, 2026, the State filed Response. The State noted in its response that the “Delaware Supreme Court does not have jurisdiction to entertain an interlocutory appeal in criminal cases.”⁷
4. The Supreme Court of Delaware has made clear on numerous occasions that “Under the Delaware Constitution, the [Supreme] Court ‘does not have jurisdiction to hear an interlocutory appeal in a criminal case.’”⁸ Rather, the Supreme Court may only review a final judgment in a criminal case.⁹ Thus, “the Supreme Court could not review the Court’s interlocutory order, even if the Court certified the appeal.”¹⁰
5. For these reasons, the Application is DENIED.

IT IS SO ORDERED. Original to Prothonotary cc: Cassandra M. Balascak, Esquire, DAG Alicia Ann Porter, Esquire 6 Id. at 1. 7 D.I. 40 (citing *Gottlieb v. State*, 697 A.2d 400 (Del. 1997) and *State v. Cooley*, 430 A.2d 789 (Del. 1981)). 8 *Matter of Taylor*, 2023 WL 8379200, at *2 (Del. Dec. 5, 2023). 9 *Bacon v. State*, 2024 WL 4367441, at *1 (Del. Oct. 1, 2024) (citation omitted). 10 *Johnson v. State*, 2013 WL 3004063, at *1 (Del. Super. May 20, 2013). 2