

IN THE SUPREME COURT OF THE STATE OF DELAWARE


DERRICK L. CARR,


Defendant Below,
Appellant,


V.


STATE OF DELAWARE,


Plaintiff Below,
Appellee.




















No. 296, 2000

Court Below: Superior Court
of the State of Delaware, in
and for Kent County
Cr. ID No. 9405004977

Submitted: June 30, 2000

Decided: July 20, 2000

Before VEASEY, Chief Justice, WALSH, and BERGER, Justices.

ORDER

This 20th day of July 2000, it appears to the Court that:

1. On June 15, 2000, the appellant, appearing *pro se*, filed a notice of appeal from the interlocutory order of the Superior Court dated June 9, 2000, entered by a Superior Court Commissioner, which sentenced him on a violation of probation. On June 21, 2000, the Clerk issued a notice which directed the appellant to show cause why this appeal should not be dismissed based on this Court's lack of jurisdiction to entertain a criminal interlocutory appeal. On June 30, 2000, the appellant filed a response to the notice to show cause. The appellant argues that the appeal was filed in a timely manner.

2. Under the Delaware Constitution, only a final judgment may be reviewed by this Court

in a *criminal* case.¹ As a result, this Court has no jurisdiction to review an interlocutory appeal in a criminal case.² This well-settled principle of Delaware constitutional law precludes our consideration of Carr's appeal.

3. The Supreme Court's appellate jurisdiction is limited to decisions of judges of a court.³ The defendant will have to follow the procedures set forth in Superior Court Criminal Rule 62.

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

¹ Del. Const. Art. IV, § 11(1)(b).

² *Rash v. State*, Del. Supr., 318 A.2d 603 (1974); *State v. Cooley*, Del. Supr., 430 A.2d 789 (1981).

³ *Redden v. McGill*, Del. Supr., 549 A.2d 695 (1988); 10 *Del. C.* § 512.