

IN THE SUPREME COURT OF THE STATE OF DELAWARE

USHANGO OWENS,	§
	§ No. 51, 2008
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ C.A. No. 07M-04-020
	§
Respondent Below-	§
Appellee.	§

Submitted: February 7, 2008  
Decided: February 14, 2008

Before **HOLLAND**, **BERGER** and **JACOBS**, Justices

**ORDER**

This 14<sup>th</sup> day of February 2008, it appears to the Court that:

(1) On January 29, 2008, the appellant, Ushango Owens, filed a notice of appeal from a Superior Court commissioner's order dated January 16, 2008. The order dismissed Owens' petition for return of \$663.00 in connection with the charge of Resisting Arrest in Superior Court Criminal I.D. Number 0702007817.

(2) On January 29, 2008, the Clerk of the Court issued a notice directed to Owens to show cause why the appeal should not be dismissed

pursuant to Supreme Court Rule 29(b) for this Court's lack of jurisdiction to consider an appeal from an order of a Superior Court commissioner.<sup>1</sup>

(3) On February 7, 2008, the Court received a document from Owens, which we deem to be his response to the notice to show cause. In the document, Owens appears to argue that this Court has the authority to assume jurisdiction over his appeal.

(4) This Court does not have the authority to hear an appeal directly from an order of a Superior Court commissioner without intermediate review of that order by a Superior Court judge.<sup>2</sup> In order to obtain intermediate review of the commissioner's order, Owens must follow the procedures outlined in Superior Court Civil Rule 132.

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

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>1</sup> Del. Const. art. IV, § 11(1)(a); *Johnson v. State*, 884 A.2d 475, 479 (Del. 2005).

<sup>2</sup> *Floyd v. State*, Del. Supr., No. 516, 2006, Ridgely, J. (Apr. 25, 2007); *Johnson v. Williams*, Del. Supr., No. 413, 2005, Steele, C.J. (Jan. 24, 2006).