

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD G. JOHNSON,	§
	§
Defendant Below-	§ No. 153, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0710037469
Plaintiff Below-	§
Appellee.	§

Submitted: April 23, 2008
Decided: July 14, 2008

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices

ORDER

This 14th day of July 2008, upon consideration of the rule to show cause, the appellant's response thereto, and the State's motion to dismiss, it appears to the Court that:

(1) On March 24, 2008, the appellant, Ronald Johnson, filed this appeal from a Superior Court order dated February 12, 2008, which dismissed Johnson's appeal in that court. Johnson had been convicted in the Court of Common Pleas of criminal mischief and sentenced to 30 days at Level V imprisonment. The Superior Court dismissed Johnson's appeal on the ground that his 30-day sentence failed to meet the constitutional threshold for appealable sentences.

(2) We agree. Pursuant to Article IV, Section 11(1)(b) of the Delaware Constitution, a sentence in a criminal matter is not appealable unless the sentence imposed is a term of imprisonment exceeding one month or a fine *exceeding* \$100.¹ Neither of Johnson's convictions meets this minimum threshold. A defendant is not permitted to aggregate penalties in order to meet the jurisdictional threshold.² Consequently, this Court, like the Superior Court, lacks jurisdiction to consider Johnson's appeal.

NOW, THEREFORE, IT IS ORDERED that the within appeal hereby is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ DEL. CONST. art. IV, § 11(1)(b).

² *Marker v. State*, 450 A.2d 397, 399 (Del. 1982). *See also Weaver v. State*, 779 A.2d 254, 257 (Del. 2001).