

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LOU G. PRICE,	§
	§ No. 407, 2013
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0106010693
	§
Plaintiff Below,	§
Appellee.	§

Submitted: August 8, 2013
Decided: August 23, 2013

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 23rd day of August 2013, it appears to the Court that:

(1) On July 29, 2013, the Court received the appellant's notice of appeal from the Superior Court's July 18, 2013 order denying his motion for the appointment of counsel on his second motion for postconviction relief pursuant to Superior Court Criminal Rule 61. On August 1, 2013, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why his appeal should not be dismissed based on the Court's lack of jurisdiction to entertain a criminal interlocutory appeal.¹

¹ DEL. CONST. art. IV, §11(1)(b); *State v. Cooley*, 430 A.2d 789, 791 (Del. 1981).

(2) The appellant filed his response to the notice to show cause on August 8, 2013. The appellant states that he has a right to counsel to assist him in prosecuting his second motion for postconviction relief because he did not have the assistance of counsel on his first motion for postconviction relief.

(3) This Court has no jurisdiction to entertain a criminal interlocutory appeal,² such as the instant appeal from the Superior Court's denial of a motion for the appointment of counsel on a motion for postconviction relief.³ Therefore, the instant appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED. The appellant's August 5, 2013 motion for the appointment of counsel in his appeal is also denied as moot. The State's motion to dismiss, filed on August 8, 2013, is also denied as moot.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

² *Gottlieb v. State*, 697 A.2d 400, 401 (Del. 1997).

³ *Bednash v. State*, 61 A.3d 617 (Del. 2013).