

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRUCE WAPLES,	§
	§
Defendant Below,	§ No. 470, 2000
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Def. ID Nos. 9604004784,
	§ 9706017979
Defendant Below,	§
Appellee.	§
Submitted: October 2, 2000	
Decided: October 13, 2000	

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices.

ORDER

This 13TH day of October 2000, it appears to the Court that:

1. On September 22, 2000, the appellant, Bruce Waples, filed a pro se notice of appeal from an order of the Superior Court dated September 7, 2000.

The Superior Court's order refused to consider Waples' Motion for Review of Sentence until Waples provided supporting medical documentation. The Superior Court had informed Waples on at least one prior occasion that the medical documentation was necessary before the Court could consider the merits of Waples' motion.

2. On September 25, 2000, the Clerk of this Court issued a notice, pursuant to Supreme Court 29(b), directing Waples 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 October 2, 2000, Waples filed a response to the notice to show cause. Waples' response does not address the issue of this Court's lack of jurisdiction to entertain a criminal interlocutory appeal.

3. The Superior Court's refusal to address the merits of Waples' motion for review of sentence until Waples supplies supporting medical documentation is clearly an interlocutory ruling in this criminal matter.¹ The Superior Court has indicated its intent to act upon the substance of Waples' motion once Waples supplies all of the necessary information. Waples' response to the Rule to Show Cause does not reflect any reason why Waples is unable to supply the information requested by the Superior Court.

4. Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.² As a result, this Court does not have jurisdiction to review the Superior Court's interlocutory ruling in this case.³ If Waples supplies the requested information and the Superior Court denies Waples' motion on its merits, then Waples may file an appeal with this Court from that final ruling.

¹See *Robinson v. State*, Del. Supr., 704 A.2d 269, 271 (1998).

²Del. Const. art. IV, § 11(1)(b).

³See *Gottlieb v. State*, Del. Supr., 697 A.2d 400 (1997); *Rash v. State*, Del Supr., 318 A.2d 603 (1974).

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

BY THE COURT:

/s/ Myron T. Steele

Justice