

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT E. EATON,	'	
	'	
Defendant Below-	'	No. 449, 2000
Appellant,	'	
	'	Court BelowCSuperior Court
v.	'	of the State of Delaware,
	'	in and for Kent County
STATE OF DELAWARE,	'	Cr.A. Nos. IK97-10-0513
	'	0514
Plaintiff Below-	'	0516
Appellee.	'	0517
	'	0518

Submitted: September 20, 2000
Decided: October 10, 2000

Before **HOLLAND, BERGER** and **STEELE**, Justices

ORDER

This 10th day of October 2000, it appears to the Court that:

(1) On September 13, 2000, the defendant-appellant, Robert E. Eaton, filed a notice of appeal in this Court from an order of the Superior Court dated August 10, 2000 denying his motions for appointment of counsel in his criminal case.

(2) On September 13, 2000, the Clerk of this Court issued a notice directing Eaton to show cause why this appeal should not be dismissed for failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent

interlocutory order.¹ On September 20, 2000, Eaton filed a response to the notice to show cause. In his response, Eaton did not address the issue of his failure to comply with Rule 42.

(3) Eaton has filed an interlocutory appeal from the Superior Court's denial of his motions for appointment of counsel in his criminal case. Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case.² This Court, therefore, has no jurisdiction to review Eaton's appeal.³

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

BY THE COURT:

/s/ Carolyn Berger
Justice

¹Supr. Ct. R. 29(b).

²Del. Const. art. IV, ' 11(1) (b).

³*State v. Cooley*, Del. Supr., 430 A.2d 789, 791 (1981).