

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS D. GUYER,	§
	§
Defendant Below-	§ No. 313, 2000
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County,
	§ Cr. No. 9907005916
Plaintiff Below-	§
Appellee.	§

Submitted: July 3, 2000

Decided: July 7, 2000

Before **WALSH, HOLLAND**, and **BERGER**, Justices.

ORDER

This 7th day of July 2000, upon consideration of the appellant's notice of interlocutory appeal and his motion for a stay of the lower court proceedings, it appears to the Court that:

(1) The appellant, Thomas Guyer, has filed a petition requesting this Court to accept an interlocutory appeal from an order of the Superior Court dismissing Guyer's interlocutory appeal filed in that court. Guyer apparently filed an interlocutory appeal in Superior Court seeking to dismiss criminal charges pending before the Court of Common Pleas. Guyer contended his speedy trial rights have been violated. The Superior Court dismissed his appeal for lack of jurisdiction.

(2) Guyer also has filed a motion with this Court seeking to stay any further proceedings against him in the Court of Common Pleas. Guyer states that he is scheduled to appear before the Court of Common Pleas on July 12, 2000.

(3) Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case. Del. Const. art. IV, § 11(1)(b). As a result, this Court has no jurisdiction to review Guyer's interlocutory appeal. *Gottlieb v. State*, Del. Supr., 697 A.2d 400, 402 (1997). Moreover, to the extent Guyer may be requesting an extraordinary writ of prohibition directed to the Court of Common Pleas to prevent his criminal trial from moving forward, we do not find a writ to be warranted under the circumstances. It is not "clear and unmistakable" on this record that the Court of Common Pleas lacks jurisdiction over Guyer's criminal charges. *See In re Hovey*, Del. Supr., 545 A.2d 626, 629 (1988). Accordingly, Guyer's appeal must be dismissed and his motion to stay denied.

NOW, THEREFORE, IT IS ORDERED that the notice of interlocutory appeal is REFUSED. The motion to stay is DENIED.

BY THE COURT:

s/ Joseph T. Walsh
Justice