

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DETLEF HARTMANN,	§
	§
Defendant Below-	§ No. 91, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 991200027
Plaintiff Below-	§
Appellee.	§

Submitted: March 28, 2005
Decided: April 12, 2005

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

ORDER

This 12th day of April 2005, it appears to the Court that:

(1) The appellant, Detlef Hartmann, filed this appeal from a Superior Court order dated February 15, 2005. The Superior Court's order denied Hartmann's motion for appointment of counsel and his motion to stay further proceedings on his motion for postconviction relief. The motion for postconviction relief is still pending.

(2) The State has filed a motion to dismiss Hartmann's appeal on the ground that the order appealed from is an unappealable interlocutory order. We agree. Under the Delaware Constitution, this Court may only

review a final judgment in a criminal case.¹ The Superior Court's denial of Hartmann's motion for counsel and motion to stay is clearly an interlocutory ruling.² As a result, this Court does not have jurisdiction to review this appeal.³

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ Del. Const. art. IV, § 11(1)(b).

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

³ *Gottlieb v. State*, 697 A.2d 400, 401 (Del. 1997).