

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROLAND WILLIAMS,	§
	§
Defendant Below-	§ No. 341, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0101014259
Plaintiff Below-	§
Appellee.	§

Submitted: August 12, 2005
Decided: September 12, 2005

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

ORDER

This 12th day of September 2005, upon consideration of the notice to show cause and the defendant's response thereto, it appears to the Court that:

(1) On July 29, 2005, the Court received the defendant's notice of appeal from a Superior Court Commissioner's order dated July 12, 2005. The Commissioner's order recommended that the Superior Court deny the defendant's motion for postconviction relief.

(2) Under the Delaware Constitution, this Court may only review a final judgment in a criminal matter.¹ The Commissioner's order is not a final order and

¹ DEL. CONST. art. IV, § 11(1)(b).

thus is not directly appealable to this Court because the defendant is required first to seek review of the Commissioner's order by a judge of the Superior Court.² Accordingly, this Court is without jurisdiction to review this criminal interlocutory appeal.³

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice

² 10 Del. C. § 512(b) (1999).

³ *See Robinson v. State*, 704 A.2d 269, 271 (Del. 1998); DEL. SUPR. CT. R. 6(a)(iii).