

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NORMAN INGRAM,	§
	§ No. 465, 2005
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr.A. Nos. IK03-05-0865 thru
	§ 0867;
Plaintiff Below-	§ IK03-05-0869 thru
Appellee.	§ 0871

Submitted: October 7, 2005  
Decided: November 8, 2005

Before **STEELE**, Chief Justice, **BERGER** and **RIDGELY**, Justices

**ORDER**

This 8<sup>th</sup> day of November 2005, it appears to the Court that:

(1) On September 30, 2005, the appellant, Norman Ingram, filed a notice of appeal from the September 2, 2005 report and recommendations of a Superior Court commissioner. The commissioner recommended that the Superior Court deny Ingram’s motion for postconviction relief pursuant to Superior Court Criminal Rule 61.

(2) On September 30, 2005, the Clerk of this Court issued a notice pursuant to Supreme Court Rule 29(b) directing Ingram to show cause why his appeal should not be dismissed based on this Court’s lack of jurisdiction to decide a criminal interlocutory appeal. On October 7, 2005, Ingram filed

a response to the notice to show cause in which he asserted that his notice of appeal was filed in a timely manner. He did not address this Court's lack of jurisdiction to decide a criminal interlocutory appeal.

(3) Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.<sup>1</sup> Because the commissioner's report and recommendation is not a final judgment,<sup>2</sup> this Court does not have jurisdiction to decide it.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>1</sup> Del. Const. art. IV, § 11(1) (b).

<sup>2</sup> Super. Ct. Crim. R. 62(a) (5).