

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VINCENT CLEVELAND,	§
	§
Defendant Below-	§ No. 241, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0301006634
Plaintiff Below-	§
Appellee.	§

Submitted: May 7, 2009

Decided: June 5, 2009

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

ORDER

This 5th day of June 2009, it appears to the Court that:

(1) On April 30, 2009, the Court received Vincent Cleveland's notice of appeal from a Superior Court Commissioner's order dated April 22, 2009. The Senior Court Clerk issued a notice to Cleveland to show cause why the appeal should not be dismissed as an impermissible interlocutory appeal in a criminal case.¹

(2) Cleveland filed a response to the notice to show cause on May 7, 2009. He acknowledges that the Commissioner's order is a not a final,

¹ See *Johnson v. State*, 884 A.2d 475 (Del. 2005).

appealable order and that further proceedings are on-going in the Superior Court. Nonetheless, he requests this Court to retain jurisdiction over the matter until a final order is issued by the Superior Court.

(3) Unfortunately, the Court has no jurisdiction over this interlocutory appeal.² Once the Superior Court issues a final order in Cleveland's case, he will have the right to file a notice of appeal within thirty days of that final order.

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

BY THE COURT:

/s/ Carolyn Berger
Justice

² See Del. Const. art IV, § 11(1)(b).