

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VINCENT E. HICKS,	§
	§
Defendant Below-	§ No. 172, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0812020875
Plaintiff Below-	§
Appellee.	§

Submitted: April 5, 2010  
Decided: April 20, 2010

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 20<sup>th</sup> day of April 2010, it appears to the Court that:

(1) On March 26, 2010, the Court received appellant's notice of appeal following his conviction on criminal charges in the Superior Court on March 3, 2010. The appellant has not yet been sentenced. The Clerk issued a notice to appellant to show cause why his appeal should not be dismissed for this Court's lack of jurisdiction to consider an interlocutory appeal in a criminal case.

(2) The appellant filed a response to the notice to show cause on April 5, 2010. His response fails to address the jurisdictional limitation raised in the notice to show cause.

(3) This Court's jurisdiction in criminal cases is limited to the review of final judgments.<sup>1</sup> In a direct criminal appeal, the proceeding in the Superior Court is deemed final on the date the sentence is imposed.<sup>2</sup> The appellant has not yet been sentenced in the present case. Accordingly, his appeal is interlocutory, and this Court lacks jurisdiction to consider it.

NOW, THEREFORE, IT IS ORDERED, pursuant to Section 11(1)(b) of Article IV of the Delaware Constitution, that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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

<sup>2</sup> *Eller v. State*, 531 A.2d 948, 950 (Del. 1987).