

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PATRICK KRASHOC,	§
	§
Defendant Below-	§ No. 357, 2011
Appellant,	§
	§
v.	§ Court Below—Court of Common Pleas
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0905018388
Plaintiff Below-	§
Appellee.	§

Submitted: July 27, 2011  
Decided: August 12, 2011

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

**ORDER**

This 12<sup>th</sup> day of August 2011, it appears to the Court that:

(1) On July 19, 2011, the Court received appellant’s notice of a appeal from his sentencing for a probation violation by the Court of Common Pleas. A clerk of this Court issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed for this Court’s lack of jurisdiction to consider a criminal interlocutory appeal from the Court of Common Pleas.<sup>1</sup>

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

(2) Appellant filed a response to the notice to show cause on July 27, 2011. His response does not address the interlocutory nature of the appeal other than to suggest that his lack of counsel led to any deficiency.

(3) This Court has no jurisdiction either to consider an interlocutory appeal in a criminal case or to consider a criminal appeal directly from the Court of Common Pleas. Appellant's notice of appeal should have been filed with the Superior Court within 30 days of his sentencing. This Court has no jurisdiction to hear appellant's appeal in the first instance.

(4) Given this Court's delay in informing appellant of his error and given the prejudice that appellant will suffer from the time delay, the Superior Court Prothonotary is hereby directed to accept appellant's appeal, *nunc pro tunc*, as timely filed on July 19, 2011. The Clerk of the Court shall provide the Prothonotary with a copy of this Order as well as a copy of appellant's notice of appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED with directions to the Superior Court to accept appellant's notice of appeal for filing *nunc pro tunc* in that court.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice