

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DOUGLAS W. ARNOLD, JR.,	§ No. 402, 2002
	§
Petitioner Below,	§
Appellant,	§
	§ Court Below: Family Court
v.	§ of the State of Delaware,
	§ in and for Kent County
HOPE M. ARNOLD,	§ File No. CK01-04133
	§
Respondent Below,	§
Appellee.	§

Submitted: July 26, 2002  
Decided: August 12, 2002

Before **VEASEY**, Chief Justice, **WALSH**, and **STEELE**, Justices.

**ORDER**

This 12<sup>th</sup> day of August 2002, it appears to the Court that:

(1) On July 15, 2002, this Court received from the appellant, Douglas W. Arnold, Jr., a notice of appeal from a Family Court decision dated June 17, 2002, which denied Arnold's motion for appointment of counsel.

(2) The Clerk of the Supreme Court, on July 16, 2002, issued a notice pursuant to Supreme Court Rule 29(b) directing Arnold to show cause why the appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.

(3) Arnold filed a response to the Notice to Show Cause on July 26, 2002. In his response, Arnold appears to address the merits of the appeal.

(4) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of the final judgment of a trial court.<sup>1</sup> An order is deemed final if the trial court has clearly declared its intention that the order be the court's "final act" in the case.<sup>2</sup> At the time Arnold filed his appeal in this Court, the Family Court had before it for consideration Arnold's petition for visitation. To date, a final judgment has not been rendered on that petition.

(5) The proceedings before the Family Court are ongoing. Until all issues are disposed of, the order of June 17, 2002 is not final. Accordingly, an appeal from the Family Court to this Court is premature absent compliance with the requirements for taking an interlocutory appeal in accordance with Supreme Court Rule 42. Appellant has not attempted to comply with this Rule.

NOW, THEREFORE, IT IS ORDERED that Arnold's appeal is DISMISSED.

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice

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<sup>1</sup> *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

<sup>2</sup> *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).