

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS W. WHITTEN,	§	
	§	No. 384, 2014
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 93000270DI
Appellee.	§	

Submitted: August 4, 2014  
Decided: August 27, 2014

Before **HOLLAND, RIDGELY** and **VALIHURA**, Justices.

**ORDER**

This 27<sup>th</sup> day of August 2014, it appears to the Court that:

(1) In 1993, the appellant, Thomas W. Whitten, pled guilty to two counts of Burglary in the Third Degree and was sentenced to four years at Level V suspended after six months for probation. As part of the sentence, Whitten was ordered to pay restitution. In 2001, the unsatisfied portion of the restitution was reduced to a civil judgment.

(2) On May 1, 2014, a capias issued when Whitten did not appear for a contempt hearing for nonpayment of restitution. On June 18, 2014, a Superior Court Commissioner committed Whitten to the Department of Correction in

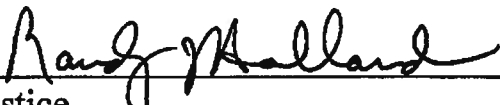
default of \$8,907.01 cash bail, the full amount due on the unsatisfied portion of the restitution. The Commissioner also scheduled the matter for a contempt hearing on July 17, 2014. At the contempt hearing, a Commissioner modified the bail set from cash to unsecured, and Whitten was released on the commitment.

(3) On July 21, 2014, Whitten filed a notice of appeal from the Commissioner's June 18, 2014 order setting the cash bail. By notice dated July 21, 2014, the Clerk directed that Whitten show cause under Supreme Court Rule 29(b) why the appeal should not be dismissed based upon this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal matter. Whitten's August 4, 2014 response to the notice to show cause does not address the jurisdictional issue raised in the notice.

(4) The Court's appellate jurisdiction over criminal matters is limited to final judgments of a judge of the Superior Court.\* The Court has no jurisdiction to review a Commissioner's order setting bail.

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

BY THE COURT:

  
Justice

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\* Del. Const. art. IV, § 11(1)(b).