

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY W. THOMAS,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

§ No. 441, 2016

§

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§

§ Court Below—Superior Court
§ of the State of Delaware

§

§ Cr. ID 1403008516

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§

Submitted: September 6, 2016

Decided: October 21, 2016

Before **VALIHURA**, **VAUGHN**, and **SEITZ**, Justices.

ORDER

This 21st day of October 2016, upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Jeffrey Thomas, filed this appeal from a decision of the Superior Court, denying his motion for appointment of counsel to pursue a motion for postconviction relief. The Chief Deputy Clerk issued a notice to Thomas directing him to show cause why the appeal should not be dismissed for this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal matter.

(2) Thomas filed a response to the notice to show cause on September 6, 2016. The response addresses the merits of his appeal but does not address the interlocutory nature of the appeal.

(3) Under the Delaware Constitution, only a final judgment may be reviewed by the Court in a criminal case.¹ The Court has no jurisdiction to entertain an appeal from an interlocutory order in a criminal matter.²

(4) The Superior Court's August 8, 2016 order is an interlocutory order. The denial of the motion for appointment of counsel is not appealable as a collateral order before the entry of a final judgment on any postconviction motion that Thomas may file.³

NOW, THEREFORE, IT IS ORDERED that this appeal is hereby DISMISSED.

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice

¹ Del. Const. art. IV, § 11(1)(b).

² *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998).

³ *Harris v. State*, 2013 WL 4858990 (Del. Sept. 10, 2013).