

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MALACHI BRITTINGHAM,	§
	§
Defendant Below,	§ No. 127, 2020
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID Nos. 1901009608,
	§ 1902011833, 1902017523 (N)
Plaintiff Below,	§
Appellee.	§

Submitted: April 30, 2020
Decided: May 4, 2020

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

Having considered the notice to show cause and the response, it appears to the Court that:

(1) On March 27, 2020, the appellant, Malachi Brittingham, filed a notice of appeal from a Superior Court order refusing to consider his *pro se* motion to dismiss pending criminal charges because he was represented by counsel.¹ The Senior Court Clerk issued a notice directing Brittingham to show cause why this appeal should not be dismissed for this Court’s lack of jurisdiction to consider a

¹ Under Superior Court Criminal Rule 47, the Superior Court “will not consider pro se applications by defendants who are represented by counsel unless the defendant has been granted permission to participate with counsel in the defense.”

criminal interlocutory appeal. In his response to the notice to show cause, Brittingham argues that review of his interlocutory appeal would serve a beneficial purpose.

(2) This Court may only review a final judgment in a criminal case.² The Superior Court order refusing to consider Brittingham's *pro se* motion to dismiss is not a final order.³ This appeal must be dismissed.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice

² Del. Const. art. IV, § 11(1)(b). *See also* *Gottlieb v. State*, 697 A.2d 400, 401 (Del. 1997) (holding this Court lacks jurisdiction to review interlocutory orders in criminal cases).

³ *Cf. Brunhammer v. State*, 2016 WL 611822, at *1 (Del. Feb. 12, 2016) (dismissing appeal from Superior Court order denying a motion to dismiss an indictment).