

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WARREN MCNEILL,	§
	§
Defendant Below-	§ No. 187, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. Nos. IN99-08-0138 thru
Plaintiff Below-	§ 0140
Appellee.	§

Submitted: August 20, 2001

Decided: October 16, 2001

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices

ORDER

This 16th day of October 2001, it appears to the Court that:

(1) The defendant-appellant, Warren McNeill, filed an appeal from an order of the Superior Court denying his motion to withdraw his guilty plea. The plaintiff-appellee, State of Delaware, has moved to dismiss the appeal on jurisdictional grounds. Because this Court lacks jurisdiction to decide the appeal, we GRANT the State's motion to dismiss and DISMISS the appeal.

(2) On November 22, 2000, McNeill pleaded guilty to attempted assault in the first degree, possession of a firearm during the commission of a felony and reckless endangering in the first degree. Prior to sentencing, McNeill filed a

motion to withdraw his guilty plea. On April 5, 2001, the Superior Court denied McNeill's motion.

(3) A direct appeal of a criminal conviction may be taken only from a final judgment.¹ McNeill's appeal from the Superior Court's April 5, 2001 order is interlocutory because he has not yet been sentenced.² This Court, therefore, has no jurisdiction to review McNeill's appeal.

NOW, THEREFORE, IT IS ORDERED that the motion to dismiss is GRANTED and the appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Justice

¹Del. Const. art. IV, § 11(1) (b); *Rash v. State*, Del. Supr., 318 A.2d 603, 604 (1974).

²*Eller v. State*, Del. Supr., 531 A.2d 948, 950 (1987).