

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PATRICK F. CROLL,	§
	§ No. 372, 2011
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID Nos. 0801001836
	§ 0803007023
Plaintiff Below-	§
Appellee.	§

Submitted: August 2, 2011

Decided: August 11, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 11th day of August 2011, it appears to the Court that:

(1) On July 26, 2011, the Court received the appellant's notice of appeal from the Superior Court's July 13, 2011 interlocutory order denying his motion for transcripts at State expense. On July 26, 2011, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed based upon this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal matter.

(2) On August 2, 2011, the appellant filed a response to the notice to show cause. In the response, the appellant states that this Court does have

jurisdiction to entertain the appeal because it is from a final order of the Superior Court.

(3) Under the Delaware Constitution, only a final order may be reviewed by this Court in a criminal case.¹ The Superior Court's order denying the appellant's motion for transcripts at State expense is not a final order because it does not resolve all of the issues in the appellant's criminal case and, thus, is not intended to be the Superior Court's "final act" in that case.² As such, the appellant's notice of appeal fails to invoke the jurisdiction of this Court.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ Del. Const. art. IV, §11(1) (b).

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