

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PHILIP A. CHRISTOPHER,	§
	§ No. 495, 2012
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court of
	§ the State of Delaware, in and
	§ for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0603012551
	§
Plaintiff Below,	§
Appellee.	§

Submitted: September 24, 2012

Decided: September 28, 2012

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices

**ORDER**

This 28<sup>th</sup> day of September 2012, it appears to the Court that:

(1) On September 7, 2012, the Court received the appellant's notice of appeal from the August 9, 2012 order of the Superior Court Commissioner recommending denial of his motion for postconviction relief. On September 11, 2012, 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 on this Court's lack of jurisdiction to consider an appeal directly from the decision of a Superior Court Commissioner.<sup>1</sup>

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<sup>1</sup> Super. Ct. Crim. R. 62.

(2) On September 24, 2012, the appellant filed a response to the notice to show cause. In the response, the appellant re-states the issues that he presented to the Superior Court Commissioner and further states that all of the issues are constitutional in nature. The appellant does not address the issue of this Court's jurisdiction.

(3) This Court lacks jurisdiction to consider an appeal directly from a decision of a Superior Court Commissioner.<sup>2</sup> As such, this appeal must be dismissed.<sup>3</sup>

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> *Id.*

<sup>3</sup> The appellant may file a timely appeal in this Court once the Superior Court issues its final order in his case.