

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID C. SAFFORD, II,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

§ No. 258, 2005

§

§ Court Below – Superior Court
§ of the State of Delaware,

§ in and for Kent County

§ Cr. I.D. No. 0410014004

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Submitted: June 28, 2005

Decided: July 18, 2005

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 18th day of July 2005, it appears to the Court that:

(1) On June 16, 2005, the appellant, David C. Safford, II, filed a notice of appeal from the Superior Court’s June 3, 2005 interlocutory order denying his motion for disqualification of counsel and to participate with counsel.

(2) On June 17, 2005, the Clerk of this Court issued a notice pursuant to Supreme Court Rule 29(b) directing Safford to show cause why

his appeal should not be dismissed based on this Court's lack of jurisdiction to decide a criminal interlocutory appeal.¹

(3) On June 28, 2005, Safford filed a response to the notice to show cause. In his response, Safford states that this Court should accept his interlocutory criminal appeal in the interest of justice.

(4) Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.² Accordingly, this Court does not have jurisdiction to review the Superior Court's interlocutory ruling in this case.³

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

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ Del. Const. art. IV, § 11(1) (b). The notice incorrectly referred to Del. Code Ann. tit. 10, § 147.

² Del. Const. art. IV, § 11(1) (b).

³ *Rash v. State*, 318 A.2d 603 (Del. 1974).