

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALEM LOPEZ,	§	
	§	No. 307, 2006
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court
	§	of the State of Delaware
v.	§	in and for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 0404018958
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: July 6, 2006  
Decided: August 9, 2006

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 9<sup>th</sup> day of August 2006, it appears to the Court that:

1) On June 16, 2006, the defendant-appellant, Alem Lopez, filed a pro se notice of appeal from the Superior Court's May 22, 2006 order denying Lopez' request that his current counsel be dismissed and new counsel appointed.

2) On June 21, 2006, the Clerk of this Court issued a notice, pursuant to Supreme Court 29(b), directing Lopez to show cause why his appeal should not be dismissed based on this Court's lack of jurisdiction to entertain a criminal interlocutory appeal. On July 6, 2006, Lopez filed a response to the

notice to show cause. In his response, Lopez asks the Court to overlook its lack of jurisdiction in the interest of justice.

3) The Superior Court's May 22, 2006 order constitutes an interlocutory ruling in this criminal matter.<sup>1</sup> Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.<sup>2</sup> As a result, this Court does not have jurisdiction to review the Superior Court's interlocutory ruling in this case.<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>1</sup>See *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998).

<sup>2</sup>Del. Const. art. IV, § 11(1)(b).

<sup>3</sup>See *Gottlieb v. State*, 697 A.2d 400 (Del. 1997); *Rash v. State*, 318 A.2d 603 (Del. 1974).