

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WARREN WYANT,	§
	§ No. 498, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 83000839DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: September 28, 2007  
Decided: October 12, 2007

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

**ORDER**

This 12<sup>th</sup> day of October 2007, it appears to the Court that:

(1) This is an appeal from the Superior Court’s August 20, 2007 order in a criminal case, which denied the appellant’s motion for trial transcripts. On September 18, 2007, the Clerk of the Court issued a notice to show cause directing the appellant to show cause why the appeal should not be dismissed pursuant to Supreme Court Rule 29(b) based on this Court’s lack of jurisdiction to entertain a criminal interlocutory appeal.<sup>1</sup>

(2) On September 28, 2007, the appellant responded to the notice to show cause. In the response, the appellant states that this Court has

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

jurisdiction to consider the appeal under the collateral order exception to the general rule that only final orders may be reviewed by this Court.<sup>2</sup>

(3) The circumstances of *Gannett* were quite different from those presented here. In *Gannett*, this Court accepted an interlocutory appeal from a Superior Court order that “determined a [civil] matter independent of the issues to be resolved in the criminal proceeding itself, bound persons who were non-parties in the underlying criminal proceeding and had a substantial, continuing effect on important rights.”<sup>3</sup> The instant appeal is from an interlocutory order in a criminal case, a matter over which this Court does not have jurisdiction, and, therefore, it must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> *Gannett Co., Inc. v. State*, 565 A.2d 895, 900 (Del. 1989).

<sup>3</sup> *Id.* (quoting *United States v. Schiavo*, 504 F.2d 1, 5 (3d Cir. 1974)).