

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD D. BEAL,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

§ No. 584, 2016

§

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§ Court Below—Superior Court

§ of the State of Delaware

§

§ Cr. ID 1308023217

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Submitted: December 27, 2016

Decided: February 13, 2017

Before **STRINE**, Chief Justice; **HOLLAND** and **VALIHURA**, Justices.

ORDER

This 13th day of February 2017, upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Ronald Beal, filed this appeal from a decision of the Superior Court, denying his motion for appointment of counsel in his postconviction proceedings. The Senior Court Clerk issued a notice to Beal directing him to show cause why the appeal should not be dismissed for this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal matter.

(2) Beal filed a response to the notice to show cause on December 27, 2016. The response addresses the merits of his appeal but does not address the interlocutory nature of the appeal.

(3) Under the Delaware Constitution, only a final judgment may be reviewed by the Court in a criminal case.¹ The Court has no jurisdiction to entertain an appeal from an interlocutory order in a criminal matter.²

(4) The Superior Court's December 2, 2016 order is an interlocutory order. The denial of the motion for appointment of counsel is not appealable as a collateral order before the entry of a final judgment on any postconviction motion that Beal may file.³

NOW, THEREFORE, IT IS ORDERED that this appeal is hereby DISMISSED.

BY THE COURT:


Justice

¹ Del. Const. art. IV, § 11(1)(b).

² *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998).

³ *Harris v. State*, 2013 WL 4858990 (Del. Sept. 10, 2013).