

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS L. FLEETWOOD,	§
	§ No. 69, 2017
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 1503013906
Plaintiff Below-	§
Appellee.	§

Submitted: February 27, 2017

Decided: March 2, 2017

Before **VALIHURA**, **VAUGHN**, and **SEITZ**, Justices.

ORDER

This 2nd day of March 2017, upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Thomas L. Fleetwood, filed this appeal from a decision of the Superior Court dated January 13, 2017, denying his motions for the appointment of counsel and transcripts at State expense, which he filed in conjunction with his first motion for postconviction relief. The Senior Court Clerk issued a notice directing Fleetwood to show cause why his appeal should not be dismissed for this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal matter.

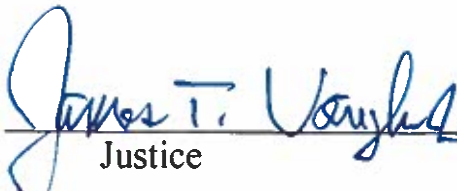
(2) Fleetwood filed a response to the notice to show cause on February 27, 2017. The response addresses the merits of his requests for counsel and transcripts but does not address the interlocutory nature of this appeal.

(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 January 13, 2017 order is an interlocutory order. The denial of the motion for appointment of counsel and the denial of transcripts are not appealable as collateral orders before the entry of a final judgment on Fleetwood's postconviction motion.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).