IN THE SUPREME COURT OF THE STATE OF DELAWARE

OTTO GIBBS,	§	
	§	No. 644, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 1105003940
Appellee.	§	

Submitted: January 3, 2013
Decided: January 15, 2013

Before **STEELE,** Chief Justice, **HOLLAND** and **JACOBS,** Justices.

O R D E R

This 15th day of January 2013, upon consideration of the appellant's response to the notice to show cause, it appears to the Court that:

(1) On December 10, 2012, the appellant, Otto Gibbs, filed a notice of appeal from a Superior Court Commissioner's December 4, 2012 report recommending that Gibbs' motion for postconviction relief should be dismissed. On December 10, 2012 and again on December 27, 2012, the Clerk issued a notice directing that Gibbs show cause why the appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for this Court's lack of jurisdiction to consider an appeal directly from a commissioner's decision.

(2) Gibbs filed a response to the notice to show cause on January 3, 2013. In his response, Gibbs argues the merit of his claims for postconviction relief. He does not, however, address the jurisdictional issue raised in the notice to show cause.

(3) The Court's appellate jurisdiction is limited to decisions issued by judges of a court.[1] The Court does not have the authority to hear an appeal directly from a report and recommendation of a Superior Court commissioner without intermediate review by a Superior Court judge.[2]

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

BY THE COURT:

/s/ Randy J. Holland
Justice

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[1] *Johnson v. State*, 884 A.2d 475, 479 (Del. 2005).
[2] *Id.*; Del. Super. Ct. Crim. R. 62(a)(5); *e.g.*, *Wilmer v. State*, 2009 WL 696400 (Del. Supr.) (dismissing appeal from commissioner's report recommending that appellant's motion for postconviction relief should be denied).