IN THE SUPREME COURT OF THE STATE OF DELAWARE

REGINALD HARRIS,	§	
	§	No. 364, 2013
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County
	§	Cr. ID No. 0402010364A
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: July 26, 2013
Decided: September 10, 2013

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

O R D E R

This 10th day of September 2013, it appears to the Court that:

(1) This appeal is from the Superior Court's June 27, 2013 order denying the appellant's motion for appointment of counsel filed in conjunction with the appellant's motion for postconviction relief. Upon receipt of the appeal, the Clerk issued a notice directing the appellant to show cause why the appeal should not be dismissed based upon this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal matter.

(2) The appellant has filed a response to the notice to show cause. In his response, the appellant contends that the Court's interlocutory review of the

Superior Court's order denying his motion for appointment of counsel would serve the interests of justice.

(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 case.[2]

(4) The Superior Court's June 27, 2013 order denying the appellant's motion for appointment of counsel is an interlocutory order. The denial of the appellant's motion for appointment of counsel is not appealable as a collateral order before the entry of a final order on the appellant's postconviction motion.[3]

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice

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[1] Del. Const. art. IV, § 11(1)(b).

[2] *Brown v. State*, 2012 WL 4466314 (Del. Sept. 26, 2012) (Jacobs, J.) (citing *State v. Cooley*, 430 A.2d 789, 791 (Del. 1981)).

[3] *See St. Louis v. State*, 2012 WL 130877 (Del. Jan. 17, 2012) (Ridgely, J.) (citing *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998)).