IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD J. THOMPSON, III, §

§

Defendant Below- § No. 28, 2014

Appellant, §

§

v. § Court Below—Superior Court

§ of the State of Delaware,

STATE OF DELAWARE, § in and for New Castle County

§ Cr. ID 0502002001

Plaintiff Below- § Appellee. §

Submitted: February 5, 2014 Decided: February 12, 2014

Before HOLLAND, JACOBS, and RIDGELY, Justices.

ORDER

This 12th day of February 2014, it appears to the Court that:

- (1) On January 21, 2014, the appellant filed a notice of appeal from the Superior Court's order denying his motion for appointment of counsel as prematurely filed. The Clerk issued a notice to appellant directing him to show cause why his appeal should not be dismissed based on this Court's lack or jurisdiction to entertain an interlocutory appeal in a criminal matter.
- (2) The appellant filed a response to the notice to show cause on February 5, 2014. He contends that he is entitled to counsel to pursue postconviction relief and that he should not be required to file his motion *pro se* before the Court grants

him the right to counsel. Accordingly, he argues that his appeal should not be

deemed interlocutory

(3) We disagree. It is well established that the denial of a motion for

appointment of counsel is not appealable as a collateral order prior to the entry of a

final order on a postconviction motion.¹ This Court only has jurisdiction to hear

appeals from final judgments in criminal cases.² The Superior Court's order in this

case is not a final judgment. Accordingly, the appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule

29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely

Justice

¹ Harris v. State, 2013 WL 4858990 (Del. Sept. 10, 2013).

² Del. Const. art. IV, § 11(1)(b).

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