IN THE SUPREME COURT OF THE STATE OF DELAWARE

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| DEVEARL BACON, | § | |
| | § | No. 620, 2012 |
| Defendant Below-Appellant, | § | |
| | § | |
| | § | Court Below—Superior Court |
| v. | § | of the State of Delaware |
| | § | in and for New Castle County |
| STATE OF DELAWARE, | § | Cr. ID No. 0006017660 |
| | § | |
| Plaintiff Below-Appellee. | § | |
| | § | |

Submitted: December 3, 2012
Decided: December 4, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

**O R D E R**

This 4th day of December 2012, it appears to the Court that:

(1) On November 21, 2012, the appellant filed an appeal from the Superior Court Commissioner's interlocutory order, which appears to have granted the State an extension of time in which to respond to the appellant's motion for postconviction relief pursuant to Superior Court Criminal Rule 61. On that same date, the Clerk of the Court issued a notice, pursuant to Supreme Court Rule 29(b), directing the appellant to show cause why this

appeal should not be dismissed based upon this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal case.[1]

(2) On December 3, 2012, the appellant filed his response to the notice to show cause. In his response, he states that this Court has jurisdiction to entertain an appeal from an order of the Superior Court where there was an abuse of discretion, an objection was filed and there has been no ruling on the objection.

(3) Under the Delaware Constitution, this Court's jurisdiction extends only to the review of a final judgment in a criminal case.[2] As a result, this Court does not have jurisdiction to review the interlocutory ruling of the Superior Court that is the subject of this appeal.[3] This appeal must, therefore, be dismissed.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

[1] Del. Const. art. IV, §11(1) (b).
[2] Id.
[3] *Gottlieb v. State*, 697 A.2d 400, 401-02 (Del. 1997); *Rash v. State*, 318 A.2d 603, 604 (Del. 1974).