IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARK BEDNASH,	§	
	§	No. 549, 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. 1002013141
Appellee.	§	

Submitted: October 18, 2012
Decided: January 17, 2013

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

O R D E R

This 17th day of January 2013, it appears to the Court that:

(1) The appellant, Mark Bednash, pled guilty, on January 24, 2011, to one count of Manslaughter and was sentenced, on April 1, 2011, to a lengthy prison term. On direct appeal, we affirmed the Superior Court's judgment.[1]

(2) On October 8, 2012, Bednash filed an appeal from the Superior Court's order of September 14, 2012 denying his motion for appointment of counsel. By notice dated October 8, 2012, the Clerk directed that Bednash

[1] *Bednash v. State*, 2012 WL 2343593 (Del. Supr.).

show cause under Supreme Court Rule 29(b) why the appeal should not be dismissed based upon this Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal matter.

(3) Bednash filed a response to the Clerk's notice. In his response, Bednash contends that this Court should invoke its jurisdiction to review the Superior Court's denial of counsel in his case because he "plan[s] to pursue an ineffective assistance of counsel claim in postconviction proceedings." According to Bednash, the Superior Court may be constitutionally required to provide counsel in an initial postconviction proceeding.

(4) Bednash's response is unavailing. Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case.[2] The Court has no jurisdiction to entertain an appeal from an interlocutory order in a criminal case.[3] In this case, the Superior Court's order of September 14, 2012 denying Bednash's motion for appointment of counsel is an interlocutory order that is not appealable as a collateral order prior to the entry of a final order in a postconviction motion.[4]

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[2] Del. Const. art. IV, § 11(1)(b).
[3] *See Brown v. State*, 2012 WL 4466314 (Del. Supr.) (citing *State v. Cooley*, 430 A.2d 789, 791 (Del 1981)).
[4] *See St. Louis v. State*, 2012 WL 130877 (Del. Supr.) (citing *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998)).

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice