

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHAMAR STANFORD,	§
	§ No. 143, 2019
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1511011810 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: April 10, 2019

Decided: April 18, 2019

Before **STRINE**, Chief Justice; **SEITZ** and **TRAYNOR**, Justices.

ORDER

After consideration of the notice to show cause and the response, it appears to the Court that:

(1) On April 1, 2019, the appellant filed a notice of appeal from a Superior Court Commissioner’s report, dated March 8, 2019, that recommended summary dismissal of his second motion for postconviction relief and denial of his motion for appointment of counsel, motion for transcripts, and motion to compel. The Senior Court Clerk issued a notice directing the appellant to show cause why this appeal should not be dismissed

for this Court's lack of jurisdiction to consider an appeal directly from a Superior Court Commissioner's order.

(2) In his response to the notice to show cause, the appellant requests a remand of this matter so he does not waive his right to appeal. The right of review of a Commissioner's order is to a judge of the Superior Court.¹ In the absence of intermediate review by a Superior Court judge, this Court has no jurisdiction to hear an appeal directly from a Superior Court Commissioner's order.² This appeal is therefore dismissed. The appellant may file a notice of appeal once the Superior Court enters a final order on his motion for postconviction relief.

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

BY THE COURT:

/s/Gary F. Traynor
Justice

¹ Super. Ct. Crim. R. 62.

² See *Johnson v. State*, 884 A.2d 475, 479 (Del. 2005).

