

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDWARD W. BENSON, III,	§
	§ No. 85, 2020
	§
Defendant Below,	§
Appellant,	§
	§ Court Below–Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 1811007923 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: March 25, 2020

Decided: April 1, 2020

Before **SEITZ**, Chief Justice; **VALIHURA**, and **MONTGOMERY-REEVES**, Justices.

ORDER

Upon consideration of the notice to show cause and the appellant’s response, it appears to the Court that:

(1) On February 27, 2020, the appellant, Edward Benson, III, filed a notice of appeal from a January 24, 2020 Superior Court bench ruling, denying his motion to suppress. The Clerk issued a notice directing Benson to show cause why this appeal should not be dismissed because this Court lacks jurisdiction to entertain a criminal interlocutory appeal.

(2) Benson filed a response to the notice to show cause on March 25, 2020. Benson argues that the Court should consider his interlocutory appeal because—among other reasons—the Superior Court erred in its statutory interpretation of Delaware law and its ruling was in conflict with Delaware legal precedent.

(3) This Court lacks jurisdiction to review interlocutory rulings of the Superior Court in a pending criminal case prior to the entry of a final order.¹ This well-settled principle of Delaware constitutional law precludes our consideration of Benson’s appeal.

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

BY THE COURT:

/s/ Collins J Seitz, Jr.
Chief Justice

¹ Del. Const. art. IV, § 11(1)(b); *Rash v. State*, 318 A.2d 603 (Del. 1974).