

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSHUA D. MCGRIFF,	§
	§
Defendant Below,	§ No. 244, 2021
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 2004002455 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: August 11, 2021

Decided: August 20, 2021

Before **VALIHURA, VAUGHN, and TRAYNOR**, Justices.

ORDER

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

(1) On August 2, 2021, the appellant, Joshua D. McGriff, filed a notice of appeal from a July 21, 2021 jury verdict finding him guilty of second-degree robbery and second-degree conspiracy. The Superior Court ordered a presentence investigation. Sentencing has not been scheduled.

(2) The Senior Court Clerk issued a notice directing McGriff to show cause why this appeal should not be dismissed based on this Court's lack of jurisdiction under Article IV, § 11(1)(b) of the Delaware Constitution to hear an interlocutory

appeal in a criminal matter. In his response to the notice to show cause, McGriff argues that the jury verdict is a final order that he may appeal now. He is mistaken.

(3) Under the Delaware Constitution, the Court may review only a final judgment in a criminal case.¹ Because McGriff has not yet been sentenced for his criminal convictions, this appeal is interlocutory and the Court has no jurisdiction to consider it.² After the Superior Court sentences McGriff, he may file an appeal.

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

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice

¹ Del. Const. art. IV, § 11(1)(b).

² *Cirwithian v. State*, 2019 WL 7041892, at *1 (Del. Dec. 20, 2019).