

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MURRAY HALL, III,	§
	§
Defendant Below,	§ No. 397, 2022
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 2102000900 (K)
	§
Appellee.	§

Submitted: November 3, 2022
Decided: November 21, 2022

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

ORDER

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

(1) On October 6, 2022, the appellant, Murray Hall, III, filed this appeal from a Superior Court Commissioner’s order denying his motion for appointment of counsel. The Senior Court Clerk issued a notice directing Hall 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. In his response to the notice to show cause, Hall argues the substantive merits of his motion for appointment of counsel and does not address the jurisdictional defect.

(2) 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.¹ Once the Superior Court resolves Hall's pending motion for postconviction relief, Hall may argue on appeal that the Superior Court Commissioner erred in denying his motion for appointment of counsel. This appeal must be dismissed.

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 *Johnson v. State*, 884 A.2d 475, 479 (Del. 2005). Even if a Superior Court judge had reviewed the Commissioner's decision denying the motion for appointment of counsel, this Court also lacks jurisdiction to hear an interlocutory appeal in a criminal matter. Del. Const. Art. IV, § 11(1)(b).