

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERMAINE CARTER,	§
	§ No. 451, 2023
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID Nos. 0401017107 (N)
STATE OF DELAWARE,	§ 0711001490 (N)
	§ 1605016488 (N)
Appellee.	§

Submitted: December 14, 2023

Decided: December 19, 2023

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

ORDER

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

(1) In November 2023, the appellant, Jermaine Carter, filed in the Superior Court a “Motion to Compel Rule 16 Discovery” in Criminal Case No. 0401017107, Criminal Case No. 0711001490, and Criminal Case No. 1605016488. In his motion, Carter stated that he needed discovery to challenge his convictions in these three cases. The Superior Court denied the motion, noting that there were no pending motions in any of the three cases. This appeal followed.

(2) On December 6, 2023, the Senior Court Clerk sent a notice to Carter directing him to show cause why his appeal should not be dismissed for this Court’s

lack of jurisdiction to hear an interlocutory appeal in a criminal matter. Carter has responded to the notice to show cause and claims that the Superior Court's order was final. Carter is incorrect.

(3) Under the Delaware Constitution, only a final judgment may be reviewed by the Court in a criminal case.¹ The Superior Court's order denying Carter's motion to compel the production of documents—presumably made in anticipation of filing a motion for postconviction relief—is an interlocutory order. If Carter is unsuccessful on the merits of any such motion, he may then appeal to this Court for a review of that final judgment as well as any interlocutory rulings of the Superior Court. At this time, however, the Court lacks jurisdiction to consider Carter's interlocutory appeal.

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

BY THE COURT:

/s/ N. Christopher Griffiths
Justice

¹ Del. Const. art. IV, § 11(1)(b).