

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TERRY THOMAS, JR.,	§	
	§	
Plaintiff Below,	§	No. 61, 2024
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	
STATE OF DELAWARE,	§	C.A. Nos. N19M-01-094
	§	N19M-12-202
Defendant Below,	§	N21M-06-074
Appellee.	§	

Submitted: February 28, 2024

Decided: March 18, 2024

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

ORDER

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

(1) The appellant, Terry Thomas, Jr., filed this appeal from a Superior Court Commissioner’s order denying his petition for return of property under 16 *Del. C.* § 4784. The Senior Court Clerk issued a notice directing Thomas to show cause why this appeal should not be dismissed for this Court’s lack of jurisdiction to consider an appeal taken directly from a Superior Court Commissioner’s order.

(2) In his response to the notice to show cause, Thomas challenges the merits of the order on appeal. He does not address the jurisdictional defect.

(3) The right to review of a Superior Court Commissioner's order is to a judge of the Superior Court.¹ This Court lacks jurisdiction to consider an appeal directly from a Superior Court Commissioner's order.² Accordingly, 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/ Collins J. Seitz, Jr.
Chief Justice

¹ Super. Ct. Civ. R. 132(a)(4); Superior Court Administrative Directive 2007-5.

² *Jagger v. State*, 2019 WL 7369200, at *1 (Del. Dec. 30, 2019) (“In the absence of intermediate review by a Superior Court judge, this Court is without jurisdiction to hear an appeal from any action taken by a Commissioner.”).