

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD G. JOHNSON,	§	
	§	No. 413, 2005
Petitioner-Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County in C.A.
	§	No. 05M-08-051.
RAPHAEL WILLIAMS,	§	
	§	
Respondent-Below,	§	
Appellee.	§	

Submitted: October 24, 2005  
Decided: January 24, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**ORDER**

This 24<sup>th</sup> day of January 2006, it appears to the Court that:

(1) On August 12, 2005, the appellant, Ronald G. Johnson, filed a petition for a writ of habeas corpus in the Superior Court. By order dated August 29, 2005, a Superior Court Commissioner denied Johnson's petition.

This appeal followed.

(2) On September 14, 2005, the Clerk of this Court issued a notice directing that Johnson show cause why the appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 when filing an apparent interlocutory appeal. On October 12, 2005, the appellee, State of Delaware,

filed a memorandum of dismissal arguing that Johnson’s appeal should be dismissed based on this Court’s lack of jurisdiction to consider an appeal from a commissioner’s order.

(3) Johnson filed responses to the Clerk’s notice to show cause and to the State’s memorandum of dismissal. Johnson’s response to the notice to show cause explains why he thinks the Commissioner’s order of August 29, 2005 is a final order and not an interlocutory order. In his response to the memorandum of dismissal, Johnson requests that this Court “transfer” or “return” the appeal to the Superior Court “for adjudication.”

(4) The State’s position is well taken. The Supreme Court’s appellate jurisdiction is limited to decisions issued by judges of a court.<sup>1</sup> The Court is without jurisdiction to consider appeals from decisions that are issued by commissioners.<sup>2</sup>

(5) Johnson’s request that this Court “return” the case to the Superior Court “for adjudication” is moot. Soon after the State filed its memorandum of dismissal in this appeal, Johnson filed a motion seeking “adjudication by a

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<sup>1</sup>See generally *Scott O. Johnson v. State*, 884 A.2d 475 (Del. 2005) (discussing Supreme Court’s appellate jurisdiction and authority of Superior Court commissioners).

<sup>2</sup>*Id.*; see also *In re 1991 Chevrolet Camaro*, 1997 WL 188347 (Del. Supr.) (holding that appeal of Superior Court Commissioner’s decision may not be filed as interlocutory appeal).

judge” of his habeas corpus petition. By order dated November 22, 2005, a Superior Court judge denied Johnson’s petition.<sup>3</sup>

NOW, THEREFORE, IT IS HEREBY ORDERED that Johnson’s appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>3</sup>*See Johnson v. Williams*, Del. Super., C.A. No. 05M-08-051, Cooch, J. (Nov. 23, 2005) (denying habeas corpus petition filed in August 2005). Johnson did not file an appeal from the Superior Court’s denial of his habeas corpus petition. He did, however, file an appeal from the Superior Court’s denial of his subsequent habeas corpus petition. *See Johnson v. Williams*, Del. Super., C.A. No. 05M-11-086, Carpenter, J. (Nov. 23, 2005) (denying habeas corpus petition filed in November 2005), *appeal docketed*, Del. Supr., No. 611, 2005 (Del. Supr. Dec. 9, 2005).