

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

STATE OF DELAWARE, )  
 )  
 v. ) ID No. 1906010188  
 )  
 PAUL WILLIAMS, )  
 )  
 Defendant. )

Date Submitted: October 1, 2020  
Date Decided: October 22, 2020

**ORDER**

Upon consideration of Defendant’s *pro se* Motion for Transcripts and Affidavit in Support of Application to Proceed *In Forma Pauperis*, **IT APPEARS THAT:**

1. On October 1, 2020, Defendant filed a Motion for Transcripts along with an Affidavit in Support of Application to Proceed *In Forma Pauperis*.<sup>1</sup> In his Motion, Defendant asks the Court to produce his December 6, 2019 Suppression Hearing transcript and his December 17, 2019 Hearing transcript at the State’s expense.<sup>2</sup> In support of his Motion, Defendant states that he needs the requested transcripts for the following reasons: “Post Conviction Relief + Notice of Appeal.”<sup>3</sup>

---

<sup>1</sup> D.I. 40.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

2. To begin, “a defendant does not have a right to free transcript[s] in order to pursue postconviction relief in the absence of a showing of good cause.”<sup>4</sup> The Constitution requires the Court to certify that transcripts “are necessary to decide non-frivolous issues in a pending case.”<sup>5</sup> Further, Delaware Superior Court Criminal Rule 61(d)(4) provides that the Court “*may* order the preparation of a transcript of any part of the prior proceedings in the case needed to determine whether the movant may be entitled to relief.”<sup>6</sup> It is therefore within the Court’s discretion to review a defendant’s motion and the record to determine whether transcripts should be prepared at State expense.<sup>7</sup> “When a defendant offers no factual basis and fails to clearly identify the fundamental rights he claims were violated, the Court will deny the motion.”<sup>8</sup> Here, Defendant’s Motion does not show the requisite good cause.<sup>9</sup> Nor does it provide any basis—factual or legal—for Defendant’s desire to pursue postconviction relief.<sup>10</sup> Accordingly, the Court declines to provide Defendant with

---

<sup>4</sup> *Johnson v. State*, 2013 WL 6858400, at \*1 (Del. Dec. 24, 2013) (citation omitted); *see also Demby v. State*, 2014 WL 4898138, at \*2 (Del. Sept. 29, 2014) (citations omitted).

<sup>5</sup> *State v. Russell*, 2019 WL 6248340, at \*1 (Del. Super. Ct. Nov. 15, 2019) (internal quotation marks and citations omitted) (quoting *State v. Whitfield*, 2007 WL 3108331, at \*1 (Del. Super. Ct. Oct. 23, 2007)).

<sup>6</sup> Super. Ct. Crim. R. 61(d)(4) (emphasis added).

<sup>7</sup> *Russell*, 2019 WL 6248340, at \*1 (citation omitted).

<sup>8</sup> *Id.* (brackets and internal quotation marks omitted) (quoting *State v. Allen*, 2002 WL 31814750, at \*1 (Del. Super. Ct. Nov. 4, 2002)).

<sup>9</sup> D.I. 40.

<sup>10</sup> *Id.*

the requested transcripts at State expense for the purpose of pursuing postconviction relief.

3. Defendant also states that he needs the transcripts to pursue a direct appeal. In general, “indigent defendants have a right to transcripts at State expense on appeal.”<sup>11</sup> But “absent a showing that there is some legal or factual basis for relief and that there is a particularized need for a transcript on appeal, the Superior Court is within its discretion to deny a transcript at State expense.”<sup>12</sup> Defendant has failed to provide any reasons for wanting to pursue a direct appeal.<sup>13</sup> So the Court cannot determine whether Defendant has a particularized need for the transcripts he requests.<sup>14</sup> Accordingly, the Court declines to provide Defendant with the requested transcripts at State expense for the purpose of pursuing a direct appeal.

**NOW THEREFORE**, for the foregoing reasons, Defendant’s Motion for Transcript is **DENIED** without prejudice.

**IT IS SO ORDERED.**

---

<sup>11</sup> *Demby v. State*, 2014 WL 4898138, at \*2 (Del. Sept. 29, 2014) (citing *Miller v. State*, 2008 WL 623236, at \*2 (Del. Mar. 7, 2008)).

<sup>12</sup> *Robinson v. State*, 2003 WL 1869909, at \*2 (Del. Apr. 10, 2003) (citing *United States v. MacCollum*, 426 U.S. 317, 330 (1976)).

<sup>13</sup> D.I. 40.

<sup>14</sup> *See State v. Monroe*, 2008 WL 3865338, at \*1 (Del. Super. Ct. Aug. 12, 2008) (denying a request for transcripts when the defendant made no showing as to why he needed them).

*Jan R. Jurden*

---

Jan R. Jurden, President Judge

Original to Prothonotary

cc: Paul Williams (SBI# 00470169)  
Colleen Durkin, DAG