

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE :  
 :  
 v. : Cr. I.D. No. 0107006531  
 :  
 ALHAJJ M. LEWIS :  
 :  
 Defendant. :

ORDER

Upon Consideration of Defendant's *pro se* Request for Transcripts - DENIED

Submitted: September 29, 2004

Decided: October 12, 2004

Defendant has filed a *pro se* motion for transcript, it appears:

(1) The record reflects that the defendant pled guilty to Murder 2<sup>nd</sup> degree and Possession of a Firearm by a Person Prohibited on February 6, 2002. Defendant now asks that he be furnished with transcripts, at the expense of the State, of:

- a. Complete copy of all transcripts from sentencing hearing;
- b. Complete copy of the plea colloquy; and
- c. Copy of pretrial motions, Chambers conferences, pretrial hearings and all pertinent parts of the record.

(2) There is no constitutional right to a free transcript for the purpose of preparing a post-trial motion.<sup>1</sup>

(3) Superior Court Criminal Rule 61(d)(3) states: “[t]he judge may order the preparation of a transcript of any part of the prior proceedings in the case needed to determine

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<sup>1</sup>*State v. Quill*, 1999 Del. Super. LEXIS 514 (citing *State v. Bordley*, 1989 Del. Super. LEXIS 435.).

whether the movant may be entitled to relief.”<sup>2</sup>

(4) “It is within the discretion of the Judge who examines the motion and contents of the record to determine whether to order preparation of a transcript.”<sup>3</sup>

(5) This Court’s decisions in *State v. Doran*<sup>4</sup> and *State v. Bordley*<sup>5</sup> “make clear that 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>6</sup>

(6) In the instant case, the defendant has offered no factual basis for his request. He has not made the requisite showing; therefore, the Defendant’s *pro se* request for a transcript is DENIED.

IT IS SO ORDERED.

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Judge Susan C. Del Pesco

Original to Prothonotary

xc: Loren C. Meyers, Esquire, Deputy Attorney General  
Alhaji M. Lewis  
Deborah L. Webb, Chief Deputy Clerk, Supreme Court  
Kathleen Feldman, Chief Superior Court Reporter

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<sup>2</sup>DEL. SUPER. CT. CRIM. R. 61(d)(3).

<sup>3</sup>*Quill*, 1999 LEXIS at \*3-4.

<sup>4</sup>*State v. Doran*, Del. Super., Nos. IN 90-08-1791, IN 90-08-1792, Barron, J. (June 12, 1992) (Order) (following the Court’s decision in *Bordley*, the Court denied the defendant’s motion holding that the motion was “general and unsupported by any specific claim or facts.”).

<sup>5</sup>*Bordley*, 1989 LEXIS at \*4, (holding that where the “[d]efendant offers no factual basis or clear identification of any fundamental rights that were violated,” a court may deny a defendant’s motion for transcript of record.).

<sup>6</sup>*State v. Ketchum*, 2002 Del. Super. LEXIS 26 at \*2.