

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

STATE OF DELAWARE,	:	
	:	
v.	:	C.r. I.D. #0502013242
	:	
	:	
DAMION MILLS,	:	
	:	
Defendant.	:	

ORDER

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

Submitted: October 16, 2006
Decided: October 18, 2006

This 18th day of October, 2006, upon consideration of a pleading filed by Damion Mills (“Mills”), alleging that he is currently detained at the Immigration Facility at York County Prison, York, Pennsylvania, facing deportation, it appears:

(1) The record reflects that Mills plead guilty on May 5, 2005, to IN 05-03-0640, Maintaining a Vehicle; and was sentenced on May 31, 2005, to 2 years at Level V, suspended for 12 months at Level II. Mills was found in violation of probation on May 3, 2006, and was sentenced to 1 year at Level V, suspended immediately for 60 days at Level IV, VOP Center, with no probation to follow. Defendant now asks that he be furnished with “transcript and minutes of the Court in the above reference case (#0502013242).”

(2) Other charges pending before this Court under Criminal I.D. #0605023409 are: IN 06060716, Forgery Second Degree, and IN 06060717, Obtaining Controlled Substance.

(3) There is no constitutional right to a free transcript for the purpose of preparing a post-trial motion.¹

(4) 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 whether the movant may be entitled to relief.”²

(5) “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.”³

(6) This Court’s decisions in *State v. Doran*⁴ and *State v. Bordley*⁵ “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.”⁶

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

² DEL SUPER. CT. CRIM. R. 61 (d)(3).

³ *Quill*, 1999 LEXIS at *3-4.

⁴ *State v. Doran*, Del. Super., Nos. IN90-08-1791, IN90-08-1792, 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.").

⁵ *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.).

⁶ *State v. Ketchum*, 2002 Del. Super. LEXIS 26 at *2.

(7) 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.

Judge Susan C. Del Pesco

Original to Prothonotary

xc: Damion Mills [#96296, York County Prison, 3400 Concord Rd., York, PA 17402]
Kathleen Feldman, Chief Superior Court Reporter