

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WARREN SMALL,	§
	§ No. 565, 2015
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1209020733
Plaintiff Below,	§
Appellee.	§

Submitted: November 2, 2015

Decided: December 4, 2015

Before **VALIHURA, VAUGHN, and SEITZ**, Justices.

ORDER

This 4th day of December 2015, upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

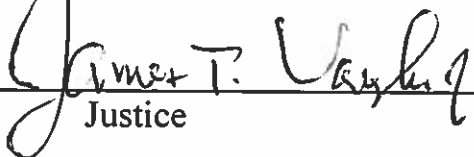
(1) The appellant, Warren Small, filed his notice of appeal on October 19, 2015 from a Superior Court order, dated October 2, 2015, which denied Small's motion for a copy of a preliminary hearing transcript. The Clerk of this Court issued a notice to Small directing him to show cause why his appeal should not be dismissed based on this Court's lack of jurisdiction to hear an interlocutory appeal in a criminal case.

(2) Small filed a response to the notice to show cause. Small's response does not address the interlocutory nature of the Superior Court's ruling and instead argues the merits of his request for transcripts at State expense.

(3) Under the Delaware Constitution, this Court may only review a final judgment in a criminal case.¹ The Superior Court's denial of transcripts is not a final order.² As a result, this Court does not have jurisdiction to review this appeal.³

NOW, THEREFORE, IT IS ORDERED that the within appeal is DISMISSED.

BY THE COURT:


Justice

¹ Del. Const. art. IV, § 11(1)(b).

² *Davis v. State*, 2014 WL 4243634 (Del. Aug. 24 2014).

³ *See Gottlieb v. State*, 697 A.2d 400 (Del. 1997).