

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HARRY SAMUEL,	§
	§
Defendant Below-	§ No. 577, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID No. 93005924DI
Plaintiff Below-	§
Appellee.	§

Submitted: December 6, 2001
Decided: December 10, 2001

Before **HOLLAND, BERGER** and **STEELE**, Justices

ORDER

This 10th day of December 2001, it appears to the Court that:

(1) On November 19, 2001, defendant-appellant Harry Samuel filed a pro se notice of appeal from the October 16, 2001 order of the Superior Court denying Samuel's request for transcripts at State expense.

(2) On November 21, 2001, the Clerk of this Court issued a notice, pursuant to Supreme Court Rule 29(b), directing Samuel to show cause why this appeal should not be dismissed based upon this Court's lack of jurisdiction to entertain an interlocutory appeal. On December 6, 2001, Samuel filed a response to the notice to show cause. In his response, Samuel states his need

for the transcripts, but does not address the issue of this Court's lack of jurisdiction.

(3) The Superior Court's order denying Samuel's request for transcripts constitutes an interlocutory ruling in this criminal matter. Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.¹ As a result, this Court does not have jurisdiction to review the Superior Court's interlocutory ruling.²

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹Del. Const. art. IV, § 11(1) (b).

²*Rash v. State*, Del. Supr., 318 A.2d 603 (1974).