

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BOARD OF MANAGERS OF THE	§	
DELAWARE CRIMINAL	§	No. 145, 2001
JUSTICE INFORMATION	§	
SYSTEM, an agency of the	§	Court Below: Superior Court of the
State of Delaware, RONALD J.	§	State of Delaware, in and for Kent
TORGERSON, Executive Director	§	County
of the Board, STATE BUREAU OF	§	C.A. No. 01C-01-039.
IDENTIFICATION, an agency of	§	
the State of Delaware, and	§	
CAPTAIN DAVID F. DEPUTY,	§	
Director of the State Bureau of	§	
Identification,	§	
	§	
	§	
Plaintiffs,	§	
	§	
	§	
v.	§	
	§	
	§	
GANNETT CO., t/a THE NEWS	§	
JOURNAL,	§	
	§	
	§	
Defendant.	§	

Submitted: April 2, 2001

Decided: May 4, 2001

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices.

**ORDER**

This 4<sup>th</sup> day of May 2001, it appears to the Court that:

(1) A complaint for declaratory judgment was filed by the Plaintiffs in the Superior Court on January 25, 2001. On the same date, the Plaintiffs filed a motion to certify a question of law to this Court. The Plaintiffs' motion to certify was

opposed by the Defendant. By order dated April 2, 2001, the Superior Court granted the Plaintiffs' motion to certify and certified the following question of law to this Court, in accordance with Supreme Court Rule 41:

Does Chapter 85 of Title 11 of the Delaware Code preclude the State Bureau of Identification from disseminating the SBI, CJIS, or Defendant Identification numbers, or any form or equivalent thereof, in the DELJIS database, to any person who is not authorized to obtain criminal history record information under the provisions of Chapter 85?

(2) The Court has considered the question certified and the particular circumstances of this case and has determined that certification of the question of law is not appropriate. A certification will not be accepted if facts material to the question certified are in dispute. Supr. Ct. R. 41(b). The limited record in this Court reflects that the Defendant opposed the Plaintiffs' motion to certify on the basis that there are, or potentially are, factual disputes that should be resolved by the Superior Court in the first instance. The Court finds that the certification does not adequately demonstrate that there are no material disputed facts.

(3) The Court, in its discretion, finds that the appellate process is more orderly under all the circumstances of this matter. After the Superior Court has decided the complaint for declaratory judgment, and in the event of an appeal, this

Court will have the benefit of the Superior Court's decision based upon well-articulated findings of facts and conclusions of law. *See State Farm Mut. Auto. Ins. Co. v. Dann.*\*

NOW, THEREFORE, IT IS ORDERED that the Certification of Question of Law by the Superior Court is REFUSED.

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice

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\* Del. Supr., \_\_\_ A.2d \_\_\_, No. 538, 2000 at 2, *Per Curiam* (March 26, 2001) ("It is preferable as a matter of the orderly administration of justice for the trial courts of this State to decide in the first instance all questions of law, including new and challenging legal questions, so that this Court will have the benefit of the reasoning and analysis of the trial court.")