

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSE COLON,	§	
	§	No. 611, 2003
Defendant Below,	§	
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware
	§	in and for New Castle County
STATE OF DELAWARE,	§	Crim. ID Nos. 77-10-0098, -0099,
	§	-0100
Defendant Below,	§	
Appellee.	§	

Submitted: February 9, 2004  
Decided: March 9, 2004

Before **HOLLAND, STEELE** and **JACOBS**, Justices.

**ORDER**

This 9th day of March 2004, it appears to the Court that:

(1) On December 23, 2003, the appellant, Jose Colon, filed a *pro se* notice of appeal from a decision of the Superior Court dated December 17, 2003.

In its decision, the Superior Court denied Colon's request for a transcript.

(2) On December 31, 2003, the Clerk of this Court issued a notice, pursuant to Supreme Court 29(b), directing Colon to show cause why this appeal should not be dismissed based on this Court's lack of jurisdiction to entertain a criminal interlocutory appeal. On January 27, 2004, an attempt by the Clerk's office to track the notice to show cause revealed that the post office had "no record of that item," and the notice to show cause was re-sent by certified mail.

(3) On February 9, 2004, Colon filed a response to the notice to show cause. In his response, Colon claims that the Supreme Court does not lack jurisdiction to entertain his appeal. The Superior Court's refusal to provide a transcript, however, clearly is an interlocutory ruling in this criminal matter.<sup>1</sup>

(4) Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.<sup>2</sup> As a result, this Court does not have jurisdiction to review the Superior Court's interlocutory ruling in this case.<sup>3</sup>

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

---

<sup>1</sup>See *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998).

<sup>2</sup>Del. Const. art. IV, § 11(1)(b).

<sup>3</sup>See *Gottlieb v. State*, 697 A.2d 400 (Del. 1997); *Rash v. State*, 318 A.2d 603 (Del. 1974).