

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LUTHER QUALLS a/k/a LEROY	§	
RYONS,	§	No. 161, 2004
	§	
Defendant Below,	§	Court Below: Superior Court
Appellant,	§	of the State of Delaware
	§	in and for New Castle County
v.	§	
	§	Cr. ID No. 0006002195
STATE OF DELAWARE,	§	
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: May 18, 2004

Decided: June 8, 2004

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

ORDER

This 8th day of June 2004, it appears to the Court that:

(1) The appellant Luther Qualls filed this appeal from an order of the Superior Court denying his motion for transcripts. The Assistant Clerk issued a notice to Qualls to show cause why his appeal should not be dismissed given this Court's lack of jurisdiction to entertain a criminal interlocutory appeal.

(2) On May 18, 2004, Qualls filed a response to the notice to show cause. In that response, Qualls discusses what he perceives to be the merits of his appeal. He does not address the issue of this Court's lack of jurisdiction to entertain a criminal interlocutory appeal.

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

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

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

²DEL. CONST. ART. IV, § 11(1)(b).

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