

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RANDALL R. REYNOLDS,	§	
	§	No. 216, 2004
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for Sussex County
	§	Def. ID No. 91S05508DI
Defendant Below,	§	
Appellee.	§	

Submitted: June 18, 2004
Decided: July 19, 2004

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

ORDER

This 19th day of July 2004, it appears to the Court that:

(1) On May 21, 2004, the appellant, Randall Reynolds, filed a *pro se* notice of appeal from a decision of the Superior Court dated May 5, 2004. In its decision, the Superior Court denied Reynolds' "Motion for Expansion of Record" because there was no pending Rule 61 application before the Court.

(2) On May 28, 2004, the Clerk of this Court issued a notice, pursuant to Supreme Court 29(b), directing Reynolds 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 June 9, 2004, Reynolds filed a response to the notice to

show cause. Reynolds' response does not address the issue of this Court's lack of jurisdiction to entertain a criminal interlocutory appeal.

(3) On June 18, 2004, at the Court's request, the State filed a response to Reynolds' response to the notice to show cause. As the State points out, it is clear from the record that the May 5, 2004, decision of the Superior Court denying Reynolds' request for expansion of the record is an interlocutory order, not a final criminal judgment.

(4) 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 in this case.²

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

¹Del. Const. art. IV, § 11(1)(b).

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