

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELTON L. PUMPHREY,	§
	§
Defendant Below,	§ No. 206, 2002
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware, in
	§ and for Sussex County,
STATE OF DELAWARE,	§
	§ Cr. ID No. 0002014519
Plaintiff Below,	§
Appellee.	§

Submitted: April 15, 2002
Decided: April 22, 2002

Before **WALSH, HOLLAND** and **BERGER**, Justices.

ORDER

This 22nd day of April 2002, it appears to the Court that:

1. On April 15, 2002, the appellant, Elton L. Pumphrey, appearing *pro se*, filed a notice of appeal from an order of the Superior Court dated April 2, 2002. The Superior Court's order denied Pumphrey's request for transcripts.
2. Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a *criminal* case.¹ The denial of a motion for transcripts at state expense filed in the Superior Court is not a final appealable order, nor is it appealable as a collateral order before the entry of a final order

¹ Del Const. Art. IV, § 11(1)(b).

on any postconviction motion. As a result, this Court has no jurisdiction to review Pumphrey's interlocutory appeal in this criminal case.²

3. The Court concludes, pursuant to Supreme Court Rule 29(c), that the within criminal interlocutory appeal, on its face, manifestly fails to invoke the Court's jurisdiction, and that the giving of notice of said defect would serve no meaningful purpose and that any response would be of no avail.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED, *sua sponte*, pursuant to Supreme Court Rule 29(c).

BY THE COURT:

Randy J. Holland
Justice

² *Rash v. State*, 318 A.2d 603 (Del. 1974); *State v. Cooley*, 430 A.2d 789 (Del. 1981).