

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JIMMIE LEWIS,	§
	§ No. 515, 2005
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0305016966
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 2, 2005  
Decided: December 14, 2005

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices

**ORDER**

This 14<sup>th</sup> day of December 2005, it appears to the Court that:

(1) On October 21, 2005, the defendant-appellant, Jimmie Lewis, filed a pro se notice of appeal from the Superior Court’s October 5, 2005 order denying his “Motion to Impugn the Authenticity of Trial Transcript and Sentencing Transcript.”<sup>1</sup> In the motion, Lewis questioned the

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<sup>1</sup> Lewis’ direct appeal previously was filed in this Court as No. 64, 2005. This Court affirmed Lewis’ convictions and sentences in *Lewis v. State*, Del. Supr., No. 64, Berger, J. (Sept. 29, 2005). The instant motion was filed in the Superior Court after that Order was issued.

authenticity of the transcripts of his trial and sentencing and requested that “authentic” versions of those transcripts be provided to him.<sup>2</sup>

(2) On October 21, 2005, the Clerk of this Court issued a notice, pursuant to Supreme Court Rule 29(b), directing Lewis to show cause why this appeal should not be dismissed based upon this Court’s lack of jurisdiction to entertain a criminal interlocutory appeal. On November 2, 2005, Lewis filed a response to the notice to show cause. In his response, Lewis does not address the issue of this Court’s lack of jurisdiction. Lewis argues, among other things, that he needs the “authentic” transcripts in order to file a motion for postconviction relief pursuant to Superior Court Criminal Rule 61.

(3) Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case.<sup>3</sup> The order of the Superior Court denying Lewis’ motion for transcripts is not appealable prior to the entry of a final order on Lewis’ postconviction motion.<sup>4</sup> The Court does not have jurisdiction to review Lewis’ interlocutory appeal in this criminal case.<sup>5</sup>

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<sup>2</sup> The record reflects that Lewis’ counsel provided him with the complete trial transcript in connection with the direct appeal.

<sup>3</sup> Del. Const. art. IV, § 11(1) (b).

<sup>4</sup> *Brooks v. State*, Del. Supr., No. 234, 2001, Holland, J. (July 9, 2001) (citing *Mundy v. State*, Del. Supr., No. 347, 1999, Berger, J. (Aug. 5, 1999).

<sup>5</sup> *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998); *Rash v. State*, 318 A.2d 603 (Del. 1974).

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

BY THE COURT:

/s/ Carolyn Berger  
Justice