

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAYMOND L. BRUTON,	§
	§ No. 100, 2006
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. 81000348DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: March 6, 2006
Decided: April 24, 2006

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

ORDER

This 24th day of April 2006, it appears to the Court that:

(1) On February 23, 2006, the Court received the appellant’s notice of appeal from the Superior Court’s January 26, 2006 order. The order denied the appellant’s motion for a copy of the presentence report relied upon by the Superior Court at his September 1981 sentencing.

(2) On February 23, 2006, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed based on the Court’s lack of jurisdiction to entertain a criminal interlocutory appeal. On March 6, 2006, the appellant filed his response to the notice to show cause stating that he does not believe

his appeal is interlocutory and that, therefore, the Court has jurisdiction to entertain his appeal.

(3) The Superior Court's order denying the appellant's request for a copy of the presentence report is an interlocutory ruling in a criminal matter.¹ Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.² Accordingly, this Court does not have jurisdiction to review the Superior Court's order in this case.³

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

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

² Del. Const. art. IV, § 11(1)(b).

³ *Gottlieb v. State*, 697 A.2d 400 (Del. 1997); *Rash v. State*, 318 A.2d 603 (Del. 1974). Moreover, in the absence of a showing of plain error, the appellant has waived his right to request a copy of the presentence report approximately 25 years after the imposition of his sentence. *Eaddy v. State*, Del. Supr., No. 440, 1995, Walsh, J. 1996 WL 313499 (May 30, 1996).