

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARVIN T. BURTON,	§
	§
Defendant Below-	§ No. 665, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0410003743
Plaintiff Below-	§
Appellee.	§

Submitted: December 29, 2006  
Decided: April 13, 2007

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

**ORDER**

This 13th day of April 2007, it appears to the Court that:

(1) The appellant, Marvin T. Burton, filed this appeal on December 20, 2006 from a decision of the Superior Court denying his request for transcripts. On the same day, the Chief Deputy Clerk of the Court issued a notice to Burton to show cause why his appeal should not be dismissed based on the Court's lack of jurisdiction to entertain an interlocutory appeal in a criminal case.

(2) Burton filed a response to the notice to show cause on December 29, 2006. Burton's response does not address the jurisdictional issue raised in the notice to show cause.

(3) Under the Delaware Constitution, this Court may only review a final judgment in a criminal case.<sup>1</sup> The Superior Court's denial of Burton's request for transcript in order to pursue a postconviction remedy is clearly an unappealable interlocutory ruling.<sup>2</sup> As a result, this Court does not have jurisdiction to consider Burton's appeal.<sup>3</sup>

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

BY THE COURT:

/s/ Randy J. Holland  
Justice

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

<sup>2</sup> *In re Hyson*, 649 A.2d 807, 808 (Del. 1994).

<sup>3</sup> *See Gottlieb v. State*, 697 A.2d 400 (Del. 1997).