

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

M. JANE BRADY
JUDGE

**SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE #2
GEORGETOWN, DE 19947
TELEPHONE: (302) 856-5263**

October 6, 2016

Japhis Lampkins, Sr.
SBI # 00110196
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

RE: State v. Japhis Lampkins, Sr.
Case No. 440, 2016
Motion for Transcript

Dear Mr. Lampkins:

The Court is in receipt of your Motion for Transcripts related to your appeal to the Delaware Supreme Court of this Court's denial of your Motion for Postconviction Relief, Motion for Recusal, Motion for Appointment of Counsel, and Motion for Transcripts.

Requests for state-purchased transcripts by a criminal defendant seeking post conviction relief are addressed to this Court's discretion.¹ The defendant is required to make a showing of a "particularized need" for a transcript.² If a defendant fails "to demonstrate how the transcript would assist him in [his] appeal"³ it is well within this Court's discretion to deny the request for a transcript.

You have made no showing why you need the transcripts you have requested. You state, in conclusory fashion, that the Court should "acknowledge [your] right to full and meaningful review of [your] trial and direct appeal and [your] counsel's performance therein."⁴ This Court does evaluate *pro se* pleadings by a "less stringent standard" than a pleading filed by an attorney.⁵ In what you submit, however, there is simply nothing from which this Court can infer a "particularized need" for the transcripts. Accordingly, your request must be denied.

¹ *Miller v. State*, 2008 Del. LEXIS 108 (Del. March 7, 2008).

² *Freeman v. State*, 2003 Del. LEXIS 210 (Del. April 8, 2003).

³ *Amaro v. State*, 2003 Del. LEXIS 313, 2003 WL 21364534 (Del. June 9, 2003); *United States v. Maccollom*, 426 U.S. 317, 330 (1976) ("Nor does the Constitution require that an indigent be furnished every possible legal tool, no matter how speculative its value, and no matter how devoid of assistance it may be.").

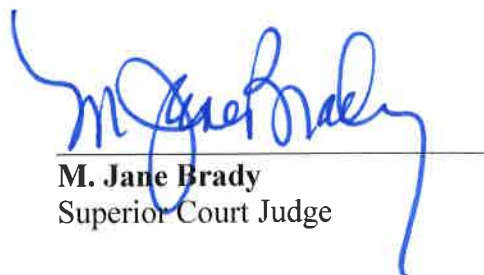
⁴ See Defendant's Motion for Transcript, Appeal No. 240, 2016, Docket No. 195 (Sept. 21, +2016).

⁵ *Johnson v. State*, 442 A.2d 1362, 1364 (Del.1982).

The Court has previously determined that your third Motion for Postconviction Relief was procedurally barred.⁶ The proceedings leading to your conviction have been evaluated by this Court and the Delaware Supreme Court on a number of occasions. You have previously filed a direct appeal and requested federal habeas corpus relief. You submitted two other Motions for Postconviction Relief which were denied by this Court. Those decisions were reviewed by the Delaware Supreme Court, and affirmed. The Court will not exercise its discretion to provide you with the documents which you request.

For these reasons, your Motion for Transcripts is **DENIED**.

IT IS SO ORDERED.



M. Jane Brady
Superior Court Judge

MJB/aot
Original to Prothonotary
Cc: Colleen Norris, Deputy Attorney General

⁶ *State v. Lampkins*, 2016 WL 4251155 (Del. Super. Aug. 11, 2016).