IN THE SUPREME COURT OF THE STATE OF DELAWARE

KUSHAL SHAH,	§	
	§	No. 460, 2026
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID No. 0002019767 (N)
STATE OF DELAWARE,	§	
	§	
Appellee.	§	

Submitted: November 13, 2026
Decided: November 19, 2026

Before **SEITZ**, Chief Justice; **GRIFFITHS** and **ZURN**, Justices.

ORDER

After consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) In June 2026, the appellant, Kushal Shah, filed two motions in his criminal case: (i) a motion for the presiding Superior Court judge to recuse herself, and (ii) a motion to proceed *pro se* in order to file a motion for sentence modification under 11 *Del. C.* § 4217. On September 24, the Superior Court judge denied Shah's recusal motion. On September 29, the Superior Court granted Shah's request to file a motion for sentence modification *pro se*. Shah appealed both orders to this Court. The Senior Court Clerk issued a notice to Shah directing him to show cause why this appeal should not be dismissed because this Court lacks jurisdiction to hear an

interlocutory appeal in a criminal matter. In response, Shah has filed a "Petition for Certification of Questions of Law," in which he argues the merits of his recusal motion. Shah does not address the appeal's jurisdictional defect.

(2) Under the Delaware Constitution, only a final judgment may be reviewed by the Court in a criminal case.[1] The Superior Court's order denying Shah's recusal motion is an interlocutory order. The Superior Court docket reflects that Shah has not yet filed a motion for sentence modification under Section 4217. If Shah moves for sentence modification and the Superior Court denies his request, Shah may then appeal to this Court for review of that final judgment as well as any interlocutory orders—including the Superior Court's denial of his recusal motion. At this time, however, the Court lacks jurisdiction to consider Shah's interlocutory appeal.

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

BY THE COURT:

/s/ Morgan T. Zurn
Justice

[1] Del. Const. art. IV, § 11(a)(2).