

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DWIGHT H. PERKINS,	§
	§
Defendant Below-	§ No. 560, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0407018106
Plaintiff Below-	§
Appellee.	§

Submitted: November 14, 2005
Decided: November 22 , 2005

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

ORDER

This 22nd day of November 2005, it appears to the Court that:

(1) On November 14, 2005, the defendant, Dwight H. Perkins, filed a *pro se* notice of appeal, purporting to appeal from a decision of the Superior Court, dated October 18, 2005, which denied Perkins' Motion to Dismiss Indictment, Motion to Disqualify Counsel and Motion to Participate with Counsel.

(2) Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case.* The Superior Court reflects that

* DEL. CONST. ART. IV, § 11(1)(b).

Perkins' criminal trial is scheduled for January 2006. Consequently, his appeal manifestly fails to invoke the jurisdiction of this Court.

(3) The Court has concluded, pursuant to Supreme Court Rule 29(c), that the appeal, on its face, manifestly fails to invoke this Court's jurisdiction and that, in the exercise of the Court's discretion, the giving of notice of dismissal would serve no meaningful purpose and that any response thereto would be of no avail.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 6 and 29(c), that the within appeal is DISMISSED *sua sponte*.

BY THE COURT:

/s/ Carolyn Berger
Justice