IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARREN SEAWRIGHT,	§	
	§	No. 522, 1999
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	in and for Kent County
	§	Cr.A. Nos. IK98-11-0273
Plaintiff Below,	§	through 0278
Appellee.	§	

Submitted: February 21, 2001
Decided: May 16, 2001

Before **WALSH**, **BERGER** and **STEELE**, Justices.

O R D E R

This 16th day of May, 2001, on consideration of the briefs of the parties, it appears to the Court that:

1) Darren Seawright appeals from his conviction, following a jury trial, of second degree burglary, forgery and conspiracy, theft, criminal impersonation and criminal mischief. Seawright argues that the trial court erred in: (i) allowing Seawright to be fingerprinted in the courtroom; (ii) denying his motion to suppress; and (iii) allowing Seawright to dismiss his trial counsel on the last day of trial. We find no merit to these arguments and, therefore, we affirm.

2) On October 27, 1998, when Linda A. Fleegle returned home from work, she found that her home had been burglarized. The kitchen window was broken and several items were missing, including a stereo, Panasonic VCR, camera, pillow sham, and a white jewelry box. Dover Police Detective Eric Richardson conducted an investigation at the crime scene and recovered several partial fingerprints as well as a palm print taken from the kitchen window screen.

3) Earlier that day, other Dover Police officers had arrested Michael Williams and found a Panasonic VCR remote in his pocket. Williams had been driving a 1990 Eagle Premier before his arrest, and the car remained in a store parking lot throughout the afternoon. When Richardson made the connection between Fleegle's burglary and Williams' VCR remote, he requested and obtained the owner's permission to search the Eagle.

4) As Richardson arrived at the parking lot to search the vehicle, he saw Seawright standing next to the Eagle. Seawright opened the car door, jumped inside, and started rummaging through clothes on the backseat. Richardson removed Seawright from the car and placed him in handcuffs. Seawright identified himself as James Todd, but had no identification with him.

5) Richardson then opened the trunk of the car and saw a stereo, VCR, pillow sham, and a small brown bag. When Seawright saw the brown bag, he said that the bag belonged to him and contained his clothes. The brown bag was not zipped closed and Richardson saw a white box that matched Fleegle's description of her jewelry box. Richardson searched the brown bag and found Fleegle's camera. In the front seat of the car, Richardson found two possible burglary tools – a tire iron and dent puller. Seawright was taken to the police station and fingerprinted. Using the fingerprints, the police were able to determine Seawright's correct identity.

6) At trial, the State offered Seawright's fingerprints and palm print into evidence, but the officer who took the prints was not available to testify. Seawright objected and the trial court ruled that the print cards were not admissible. The State then requested permission to take another palm print from Seawright during a recess. The permission was granted and, when the trial resumed, the finger print examiner testified that he took a palm print from Seawright during the recess and that it matched a palm print taken from Fleegle's window screen.

7) At the beginning of the second day of trial, Seawright expressed dissatisfaction with his attorney. Seawright did not say that he wanted to represent himself, however, and the trial court told him that his attorney would continue to

represent him. On the third day of trial, after both sides had rested, Seawright again addressed the court about his dissatisfaction with his counsel and the court. After some discussion and a brief recess, Seawright stated that he wanted to represent himself. The court satisfied itself that Seawright's decision was knowing and voluntary and then granted Seawright's request. Seawright did not make any motions, participate in the prayer conference, or give a closing argument.

8) Seawright argues that the trail court erred in allowing the State to have him fingerprinted in the courtroom. He says that the courtroom should be a "sanctuary of fairness" and that, by letting the jury know that he was fingerprinted in the courtroom during a recess, it might appear that the court was cooperating with the prosecutors. Seawright acknowledges that the place where his fingerprints were taken has no bearing on his guilt or innocence, and he offers no authority to support his argument. We find no plain error in the trial court's decision to allow fingerprinting in the courtroom.

9) Seawright also contends that the evidence found in his brown bag, in the trunk of the Eagle, should have been suppressed. He says that the car owner's consent did not extend to the brown bag because the bag belonged to Seawright, not the car owner. We find no error in the trial court's ruling. The evidence

established that a white box matching the description of Fleegle's stolen jewelry box was in plain view at the top of the brown bag. Having found stolen items in the trunk of the car, and having seen the white jewelry box in the brown bag, the officer had probable cause to believe that other stolen items would be in the bag. As a result, the warrantless search was lawful.[1]

10) Finally, Seawright complains that the trial court violated his constitutional right to counsel by dismissing his counsel on the last day of trial. Seawright says that, although he did not want to be represented by his attorney, he did not plan to represent himself. Under these circumstances, Seawright argues, the trial court should have protected his rights by not dismissing his counsel. This argument lacks merit. The trial court asked Seawright, "Do you want to represent yourself?" He answered, "Of course, I want to represent myself, yes. I do not want Ms. Redding as my counsel. No, I don't want her." Following that exchange, the court questioned Seawright about his ability and willingness to undertake his own defense and the court warned Seawright about the possible adverse consequences of his decision. From this record, we conclude that Seawright knowingly and voluntarily chose to represent himself and the trial court committed no error.[2]

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[1] *Tatman v. State*, Del Supr., 494 A.2d 1249 (1985).

[2] *Stigars v. State*, Del. Supr., 674 A.2d 477 (1996).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice