

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD N. WILLIAMS,	§
	§
Defendant Below-	§ No. 426, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID No. 0104018830
Plaintiff Below-	§
Appellee.	§

Submitted: September 24, 2001
Decided: October 15, 2001

Before **VEASEY**, Chief Justice, **WALSH** and **STEELE**, Justices

ORDER

This 15TH day of October 2001, it appears to the Court that:

(1) On September 4, 2001, the defendant-appellant, Donald N. Williams, appearing pro se, filed a notice of appeal from the Superior Court's final case review on August 2, 2001. On September 10, 2001, the Clerk issued a notice to show cause why the appeal should not be dismissed based on this Court's lack of jurisdiction to entertain a criminal interlocutory appeal. The docket reflects that Williams received the notice to show cause on September 14, 2001. Williams has failed to respond to the notice to show

cause within the required 10-day period; therefore, dismissal of the appeal is deemed to be unopposed.

(2) Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case.¹ As a result, this Court does not have jurisdiction to review an interlocutory appeal in a criminal case.² This well-settled principle of Delaware law precludes our consideration of Williams' appeal.

(3) Moreover, the record indicates that Williams is represented by counsel. A defendant represented by counsel may not act pro se. Counsel is the only person authorized to act on behalf of the defendant.³

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

BY THE COURT:

s/ Joseph T. Walsh
Justice

¹Del. Const. art.IV, § 11(1) (b).

²*Rash v. State*, Del. Supr., 318 A.2d 603 (1974); *State v. Cooley*, Del. Supr., 430 A.2d 789 (1981).

³*In the Matter of Haskins*, Del. Supr., 551 A.2d 65, 66-67 (1988).