

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID C. REID,	§
	§
Defendant Below-	§ No. 129, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID. 0403025083
Plaintiff Below-	§
Appellee.	§

Submitted: April 4, 2005
Decided: April 26, 2005

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 26th day of April 2005, it appears to the Court that:

(1) On April 4, 2005, the defendant, David C. Reid, filed a *pro se* notice of appeal from a Superior Court jury's guilty verdict on several criminal charges. Reid's sentencing is currently scheduled for May 24, 2005.

(2) Under the Delaware Constitution, this Court may review only a final judgment in a criminal case.¹ Reid's convictions in this case will not

¹ DEL. CONST. ART. IV, § 11(1)(b); *Gottlieb v. State*, 697 A.2d 400, 401 (Del. 1997).

be final and appealable until he is sentenced.² Thus, Reid's appeal fails to invoke the jurisdiction of this Court. Furthermore, a defendant represented by counsel may not act *pro se*. Unless and until a defendant has made a proper waiver of the right to counsel, counsel is the only person authorized to act on defendant's behalf.³

(3) The Court has concluded, pursuant to Supreme Court Rule 29(c), that the appeal 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/Henry duPont Ridgely
Justice

² See DEL. SUPR. CT. R. 6(a)(ii).

³ *In re Haskins*, 551 A.2d 65, 66-67 (Del. 1988).