

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FRANCIS D. PUCCI,

§

§ No. 22, 2008

Defendant Below-
Appellant,

§

§

§

v.

§

§

STATE OF DELAWARE,

§

§

Plaintiff Below-
Appellee.

§

§

ORDER

This 18th day of March 2008, it appears to the Court that, on March 5, 2008, the Clerk issued a notice to the appellant to show cause why this appeal should not be dismissed for this Court's lack of jurisdiction to consider an appeal from an order of the Court of Common Pleas.¹ On March 13, 2008, the appellant responded to the notice to show cause stating that he had appealed to this Court as well as the Superior Court as a means of assuring that his notice of appeal would be filed in the correct court. Under these circumstances, dismissal of this action is deemed to be unopposed.

¹ Del. Const. art. IV, § 11.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice