

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES SMITH,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§

§ No. 239, 2017

§

§ Court Below—Superior Court
§ of the State of Delaware

§

§ Cr. ID No. 1502009425 (K)

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Submitted: June 27, 2017

Decided: July 3, 2017

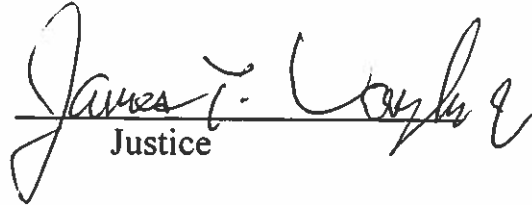
ORDER

This 3rd day of July 2017, it appears to the Court that, on June 12, 2017, the appellant filed a notice of appeal from a Superior Court order denying his motion for appointment of counsel. The Senior Court Clerk issued a notice directing the appellant to show cause why this appeal should not be for this Court's lack of jurisdiction under Article IV, § 11(1)(b) of the Delaware Constitution to hear an interlocutory appeal in a criminal case. The appellant failed to respond to the notice to show cause within the required ten-day period¹ and therefore dismissal of this appeal is deemed to be unopposed.

¹ We acknowledge the appellant's untimely response filed on July 3rd. Even if the Court were to consider the untimely response, it would not change the outcome.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that this appeal is DISMISSED.

BY THE COURT:


Justice