

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NIGEL SYKES,	§
	§ No. 35, 2017
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 1012000026
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: January 31, 2017
Decided: February 23, 2017

Before VALIHURA, VAUGHN, and SEITZ, Justices.

ORDER

This 23rd day of February 2017, it appears to the Court that:

(1) On January 19, 2017, the Court received the appellant’s notice of appeal from a Superior Court Commissioner’s denial of his motion for reconsideration. The Chief Deputy Clerk issued a notice directing the appellant to show cause why this appeal should not be dismissed for this Court’s lack of jurisdiction to consider an appeal directly from a Superior Court Commissioner’s order.

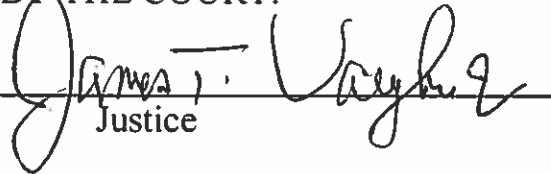
(2) This appeal is subject to dismissal because the appellant’s response to the notice to show cause was not filed within the required ten-day period.¹ Even if

¹ Supr. Ct. R. 3(b)(2); Supr. Ct. R. 29(b).

the response to the notice to show cause was timely filed, the response does not address this Court's lack of jurisdiction. In the absence of intermediate review by a Superior Court judge, this Court has no jurisdiction to hear an appeal directly from a Superior Court commissioner's decision.² Accordingly, this appeal must be dismissed.

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

BY THE COURT:


Justice

² *Kostyshyn v. City of Wilmington*, 2013 WL 4716069, at *1 (Del. Aug. 29, 2013) (citing *Johnson v. State*, 884 A.2d 475, 479 (Del. 2005)).