

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARVIN HOLMES,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

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§ No. 629, 2015

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

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§ Cr. ID 1210015494

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Submitted: December 1, 2016

Decided: February 14, 2017

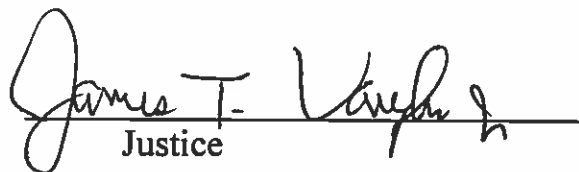
Before VALIHURA, VAUGHN, and SEITZ, Justices

ORDER

This 14th day of February 2017, it appears to the Court that the appellant, Marvin Holmes, passed away on November 28, 2016. Under *Perry v. State*,¹ Holmes's death renders the pending appeal moot and divests this Court of jurisdiction to consider this matter further.

NOW, THEREFORE, IT IS ORDERED that the within appeal is DISMISSED as moot.

BY THE COURT:


Justice

¹ 575 A.2d 1154, 1156 (Del. 1990).