

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VICTOR SIMPKINS,

Defendant Below,  
Appellant,

v.

STATE OF DELAWARE,

Appellee.

§

§ No. 25, 2024

§

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

§

§ Cr. ID No. 1110021147 (N)

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Submitted: February 6, 2024

Decided: February 29, 2024

**ORDER**

On January 22, 2024, the appellant, Victor Simpkins, filed this appeal from a Superior Court order, dated and docketed on December 19, 2023, summarily dismissing his third motion for postconviction relief under Superior Court Criminal Rule 61. A timely notice of appeal should have been filed on or before January 18, 2024. On January 23, 2024, the Senior Court Clerk issued a notice directing the Simpkins to show cause why this appeal should not be dismissed as untimely filed. Postal records show that the notice to show cause was delivered on January 25, 2024. A timely response to the notice to show cause was due by February 5, 2024. Simpkins has not responded to the notice to show cause. Dismissal of this appeal is therefore deemed to be unopposed.

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Chief Justice