

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|---|---------------------------|
| ROBERT DUNCAN, | § | |
| | § | No. 608, 2001 |
| Defendant Below, | § | |
| Appellant, | § | |
| v. | § | Court Below: Family Court |
| | § | of the State of Delaware |
| | § | in and for Sussex County |
| STATE OF DELAWARE, | § | |
| | § | Cr. ID No. 0103019847 |
| Plaintiff Below, | § | |
| Appellee. | § | |

ORDER

This 14th day of December 2001, it appears to the Court that:

(1) On November 30, 2001, Robert Duncan filed a notice of appeal from a decision of a Family Court Commissioner dated November 26, 2001.

A Commissioner's order is not a final judgment for purposes of appealing to this Court.* 10 *Del. C.* § 915(d) provides that a party's right of appeal from a Commissioner's order shall be to a judge of the Family Court.

(2) The Court concludes, pursuant to Supreme Court Rule 29(c), that the within appeal, on its face, manifestly fails to invoke the Court's

* *See Redden v. McGill*, Del. Supr., 549 A.2d 695 (1988) (holding that this Court's appellate jurisdiction over Family Court proceedings is limited to decisions of *judges* of that Court).

jurisdiction, and that the giving of notice of said defect would serve no meaningful purpose and that any response would be of no avail.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(c), that this appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice