

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,	§
	§
Defendant Below-	§ No. 4, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID Nos. 0902010151 and
Plaintiff Below-	§ 0908020496
Appellee.	§

Submitted: January 16, 2013
Decided: February 4, 2013

Before **HOLLAND**, **BERGER**, and **JACOBS**, Justices.

ORDER

This 4th day of February 2013, it appears to the Court that:

(1) On January 4, 2013, the Court received appellant’s notice of appeal from “unknown” orders of the Superior Court issued on “unknown” dates in Criminal ID Nos. 0902010151 and 0908020496. A review of the docket in Cr. ID No. 0902010151 reveals that case was closed on February 10, 2011. The docket in Cr. ID No. 0908020496 reflects that Kostyshyn was convicted following a jury trial in November 2010 and his direct appeal from that conviction was dismissed by this Court in January 2011. The Superior Court has issued no arguably

appealable order in that case within the year preceding Kostyshyn's notice of appeal in this matter.

(2) Accordingly, the Senior Court Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed for this Court's lack of jurisdiction given Kostyshyn's failure to identify any Superior Court order from which an appeal arguably could be taken.¹ Kostyshyn filed an "initial" response to the notice to show cause on January 16, 2013. He asserts that he is unable to respond to the notice to show cause in a timely manner and requests an extension of time to reply.

(3) The request for an extension of time is denied. The extension of time would serve no meaningful purpose because any response by Kostyshyn would be to no avail. As of the date he filed his notice of appeal, the Superior Court had not taken any arguably appealable action in either of Kostyshyn's cases for more than a year. Given the lack of any order by the Superior Court to review, this Court has no jurisdiction to consider Kostyshyn's so-called appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹DEL. CONST. art. IV, § 11(1)(b)