

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY A. DENSTON,	§	
	§	
Petitioner Below-	§	No. 15, 2004
Appellant,	§	
	§	
v.	§	Court Below---Family Court
	§	of the State of Delaware,
	§	in and for New Castle County
JULIE FAULCONER and LOREN	§	File No. CN97-11299
FAULCONER,	§	
	§	
Respondents Below-	§	
Appellees.	§	

Submitted: January 23, 2004  
Decided: March 8, 2004

Before **BERGER, STEELE** and **JACOBS**, Justices

**ORDER**

This 8<sup>th</sup> day of March 2004, it appears to the Court that:

(1) On January 13, 2004, the appellant filed a notice of appeal from a document issued by the Family Court entitled “Advisory Notice” and dated December 16, 2003. The Advisory Notice, which was signed by the Family Court clerk, notified the appellant that his December 9, 2003 petition for visitation was improper because the Family Court had issued a final judgment terminating his parental rights several months prior to the filing of the petition for visitation. On January 13, 2004, the Clerk of this Court issued a notice directing the appellant to

show cause why his appeal should not be dismissed pursuant to Supreme Court Rule 29(b).<sup>1</sup>

(2) An Advisory Notice of the Family Court is not a final judgment for purposes of appeal to this Court.<sup>2</sup>

(3) Notwithstanding the erroneous issuance of the notice to show cause on January 13, 2004, the Court finds that this appeal should be dismissed, sua sponte, pursuant to Supreme Court Rule 29(c). The notice of appeal, on its face, manifestly fails to invoke the Court's appellate jurisdiction. We further find that giving notice of the defect would serve no meaningful purpose and that any response thereto would be of no avail.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED, sua sponte, pursuant to Supreme Court Rule 29(c). The notice to show cause is moot.

BY THE COURT:

/s/ Myron T. Steele  
Justice

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<sup>1</sup> The notice incorrectly characterized the jurisdictional issue as a failure to comply with Rule 42 when taking an appeal from an apparent interlocutory order.

<sup>2</sup> Del. Const. Art. IV, § 11.