

IN THE SUPREME COURT OF THE STATE OF DELAWARE

| | |
|-----------------------------|--------------------------------|
| GREGORY A. DENSTON, | § |
| | § |
| Respondent Below- | § No. 189, 2004 |
| Appellant, | § |
| | § |
| v. | § Court Below: Family Court |
| | § of the State of Delaware, |
| JULIE LORRINE FAULCONER and | § in and for New Castle County |
| LOREN RILEY FAULCONER, | § File No. 02-05-05TN |
| | § |
| Petitioners Below- | § |
| Appellees. | § |

Submitted: May 26, 2004
Decided: July 2, 2004

Before **STEELE**, Chief Justice, **HOLLAND**, and **JACOBS**, Justices.

ORDER

This 2nd day of July 2004, it appears to the Court that:

(1) On May 7, 2004, the appellant, Gregory Denston, filed a notice purporting to appeal from an order of the Family Court, dated April 26, 2004, which terminated his parental rights with respect to his minor son. Denston did not attach a copy of the order from which he filed the appeal. After a review of the Family Court docket revealed that no final order had been entered on April 26, 2004, the Clerk of the Court issued a notice to Denston to show cause why this appeal should not be dismissed.

(2) On May 26, 2004, apparently in response to the Notice to Show Cause, Denston filed the Clerk's original Notice to Show Cause with a copy of a Family Court Order, dated May 5, 2003, attached to it. Denston's filing is unresponsive to the Court's Notice to Show Cause and in fact suggests that there is no order dated April 26, 2004. To the extent that Denston is attempting to appeal from the Family Court's termination order dated May 5, 2003, his appeal is untimely. Denston does not assert that his failure to timely file his appeal is attributable to court-related personnel in any way.* Accordingly, this Court has no jurisdiction to hear this untimely appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 6 and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

* *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).