

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIE MELLS,	§
	§
Defendant Below-	§ No. 116, 2000
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr.A. No. 99-06-0733
Plaintiff Below-	§
Appellee.	§

Submitted: April 24, 2000

Decided: May 25, 2000

Before **VEASEY**, Chief Justice, **HOLLAND** and **HARTNETT**, Justices

ORDER

This 25th day of May 2000, upon consideration of the State's motion to dismiss and the response thereto, it appears to the Court that:

(1) In December 1999, the appellant, Willie Mells, was convicted by a Court of Common Pleas jury of disregarding a traffic control device. He was fined \$50 and was assessed costs and a surcharge for the Victims' Compensation Fund. Mells appealed his conviction to the Superior Court, which dismissed his appeal as factually and legally frivolous. Mells now appeals to this Court from the Superior Court's order dismissing his appeal.

(2) The State of Delaware has filed a motion to dismiss Mells' appeal on jurisdictional grounds. Mells filed a response in opposition to the motion, but did not address the jurisdictional issue.

(3) This Court lacks jurisdiction to hear an appeal in a criminal matter unless the defendant has been sentenced to a term of imprisonment exceeding one month or received a fine exceeding \$100.¹ Mells was not sentenced to more than one month in prison, nor was he fined more than \$100. Accordingly, this Court is without jurisdiction to consider this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss the appeal be, and the same hereby is, GRANTED.

BY THE COURT:

/s/Maurice A. Hartnett, III

Justice

¹Del. Const., Article IV, § 11(1) (b); *Brookens v. State*, Del. Supr., 466 A.2d 1218, 1219 (1983).

