

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERRY JOHNSON,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 533, 2004

Court Below: Family Court of
the State of Delaware in and
for New Castle County

File Nos. 0405000401 and
0406004498

ORDER

This 31st day of December 2004, it appears to the Court that on December 9, 2004, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) and 10 *Del. C.* § 1051, for this Court's lack of jurisdiction to entertain an appeal of a criminal matter, in the first instance, from Family Court. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice