

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,	§
	§ No. 541, 2005
Defendant Below,	§
Appellant,	§ Court Below--Court of Common
	§ Pleas of the State of Delaware in
v.	§ and for New Castle County
	§
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§ Def. ID No. 0502011867
Appellee.	§

Submitted: October 31, 2005
Decided: December 8, 2005

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

ORDER

This 8th day of December 2005, the Court has considered the notice of appeal filed by the pro se appellant, Peter Kostyshyn, from a decision issued by the Court of Common Pleas.¹ It is manifest that the appeal should be DISMISSED,² *sua sponte*, for this Court's lack of jurisdiction to consider an appeal directly from the Court of Common Pleas.³

¹It appears from the notice of appeal and the Court of Common Pleas criminal docket that Kostyshyn's appeal is from the Court's September 30, 2005 denial to reconsider its August 18, 2005 dismissal of Kostyshyn's appeal from the Justice of the Peace Court.

²*See* Supr. Ct. R. 26(c) (providing for dismissal of an appeal, without notice, *sua sponte*, when the Court has concluded in the exercise of its discretion that notice of the dismissal would serve no meaningful purpose, and that any response would be of no avail).

³Del. Const. art. IV, §§ 11(1)(a)-(b), 28; Del. Code Ann. tit. 10, § 1326; Del. Code Ann. tit. 11, § 5301.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(c), that this appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice