

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER T. KOSTYSHYN,	§
	§
Defendant Below-	§ No. 345, 2002
Appellant,	§
	§
v.	§ Court Below—Court of
	§ Common Pleas of the
STATE OF DELAWARE,	§ State of Delaware,
	§ in and for New Castle County
Plaintiff Below-	§ Case No. 0101010511
Appellee.	§
	§

Submitted: June 19, 2002

Decided: July 2, 2002

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

**ORDER**

This 2nd day of July 2002, it appears to the Court that:

(1) On June 19, 2002, the defendant-appellant, Peter T. Kostyshyn, filed a notice of appeal from a decision of the Court of Common Pleas finding him guilty of two misdemeanors and sentencing him to a period of incarceration at Level V.<sup>1</sup>

(2) A criminal defendant convicted and sentenced in the Court of Common Pleas may appeal his conviction to the Superior Court.<sup>2</sup> This Court

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<sup>1</sup>The notice of appeal does not indicate the date of the decision of the Court of Common Pleas or the length of the sentence.

<sup>2</sup>DEL. CODE ANN. tit. 11, § 5301; COM. P. CT. CRIM. R. 37.

has jurisdiction to review the Superior Court's appellate decision.<sup>3</sup> This Court, however, may not receive an appeal directly from the Court of Common Pleas.<sup>4</sup>

(3) Kostyshyn's appeal manifestly fails to invoke the jurisdiction of this Court.<sup>5</sup> Moreover, this Court concludes, in the exercise of its discretion, that the giving of notice would serve no meaningful purpose and that any response would be of no avail.

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

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>3</sup>*Rogers v. State*, 457 A.2d 727, 730-31 (Del. 1983).

<sup>4</sup>DEL. CONST. art. IV, § 11(1) (b).

<sup>5</sup>SUPR. CT. R. 29(c).