

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN and PATRICIA	§	
KOSTYSHYN,	§	No. 416, 2006
	§	
Defendants Below,	§	
Appellants,	§	Court Below: Justice of the Peace
	§	Court No. 20 of the State of
v.	§	Delaware in and for New Castle
	§	County
CITY OF WILMINGTON and	§	
JUSTICE OF THE PEACE COURT	§	Nos. 0604001159, 0604001136,
20,	§	0603008526, 0603008360, et al.
	§	
Plaintiffs Below,	§	
Appellees.	§	

Submitted: August 31, 2006  
Decided: September 25, 2006

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

**ORDER**

This 25<sup>th</sup> day of September 2006, it appears to the Court that:

(1) On August 1, 2006, the appellants, Peter Kostyshyn and Patricia Kostyshyn, filed a *pro se* notice of appeal from an unspecified decision or decisions of the Justice of the Peace Court.

(2) On August 3, 2006, a Notice to Show Cause was issued to Peter Kostyshyn and Patricia Kostyshyn, directing them to show cause why this matter

should not be dismissed pursuant to Supreme Court Rule 29(b) for this Court's lack of jurisdiction to consider an appeal from the Justice of the Peace Court.

(3) On August 31, 2006, the Court received a document from the Kostyshyns which is deemed to be their response to the Notice to Show Cause. In that document, the Kostyshyns state that they oppose dismissal of the appeal and contend that this Court does have jurisdiction.

(4) Notwithstanding the appellants' contention to the contrary, it is manifest that the Court does not have jurisdiction over this appeal. A decision by a magistrate of the Justice of the Peace Court, whether in a civil or criminal case, is not directly appealable to this Court.\*

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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\* In civil cases, the Delaware Supreme Court has jurisdiction to accept appeals only from final orders issued by the judges (*not* commissioners or masters) of the Court of Chancery, the Superior Court, and the Family Court. *See Del. Const.*, Art. IV, § 11(1)(a). In criminal cases, the Supreme Court has jurisdiction to hear direct appeals from the Superior Court only when the sentence imposed is either a sentence of death, imprisonment exceeding one month, or a fine exceeding \$100. *See Del. Const.*, Art. IV, § 11; *Supr. Ct. R.* 6.