

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER T. KOSTYSHYN,	§
	§
Defendant Below,	§ No. 42, 2003
Appellant,	§
	§ Court Below: Court of Common Pleas
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: January 28, 2003  
Decided: February 21, 2003

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

ORDER

This 21<sup>st</sup> day of February 2003, it appears to the Court that:

1. On January 28, 2003, Peter T. Kostyshyn, appearing *pro se*, filed a notice of appeal from a sentence rendered in the Court of Common Pleas on January 24, 2003.

2. This Court's appellate jurisdiction in criminal cases is limited to appeals from the Superior Court.<sup>1</sup> A criminal defendant convicted and sentenced in the Court of Common Pleas may appeal his conviction to the Superior Court.<sup>2</sup>

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

<sup>2</sup> 11 *Del. C.* § 5301; DEL. CT. C.P. CRIM. R. 37.

3. Kostyshyn's appeal manifestly fails to invoke the jurisdiction of this Court.<sup>3</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/Joseph T. Walsh  
Justice

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<sup>3</sup> SUPR. CT. R. 29(c).