

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KERMIT WEST,	§
	§ No. 529, 2012
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 7307000001
Plaintiff Below-	§
Appellee.	§

Submitted: January 29, 2013

Decided: February 6, 2013

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

ORDER

This 6th day of February 2013, it appears to the Court that the appellant, Kermit West, passed away on January 25, 2013. West's death renders the pending appeal moot and divests this Court of jurisdiction to consider this matter further.¹

NOW, THEREFORE, IT IS HEREBY ORDERED that the within appeal is DISMISSED as moot.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ *Perry v. State*, 575 A.2d 1154, 1156 (Del. 1990).