

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN,	§	
	§	No. 206, 2019
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below – Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	
	§	Cr. ID No. 0908020496 (N)
Plaintiff Below,	§	
Appellee.	§	

Submitted: February 28, 2020
Decided: April 3, 2020

ORDER

Having considered the notices to show cause, the Court concludes that:

(1) On May 13, 2019, the appellant, Peter Kostyshyn, filed a notice of appeal from a Superior Court order sentencing him for a violation of probation. Kostyshyn’s opening brief was originally due on October 29, 2019. After Kostyshyn requested an extension until March 1, 2020 to file his opening brief, the Court granted him an extension until December 2, 2019. After Kostyshyn requested another extension to file his opening brief, the Court granted him an extension until December 16, 2019. The Court also informed Kostyshyn that he would receive no further extensions and that he risked dismissal of his appeal if he did not file a timely opening brief. Kostyshyn has not filed an opening brief.

(2) On January 17, 2020, the Chief Deputy Clerk issued, by certified mail to the last address the Department of Correction had on file for Kostyshyn, a notice directing Kostyshyn to show cause why this appeal should not be dismissed for his failure to file an opening brief and appendix. On February 17, 2020, the Chief Deputy Clerk re-sent the notice to show cause, by certified mail, to Kostyshyn. After the original notice to show cause was returned to the Court in an envelope marked “Return to Sender, Unclaimed, Unable to Forward” on February 18, 2020, the Chief Deputy Clerk re-sent the notice to show cause by first class mail on February 18, 2020. The second notice to show cause sent by certified mail was not claimed.

(3) Kostyshyn has not filed an opening brief, responded to the notices to show cause within the required ten-day period, or reported any change of address to the Court. Under these circumstances, dismissal of this appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Tamika R. Montgomery-Reeves
Justice