

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IDREES MERRITT,	§
	§
Defendant Below,	§ No. 469, 2022
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. I.D. No. 1608014407 (N)
	§
Appellee.	§

Submitted: January 23, 2023

Decided: January 31, 2023

ORDER

On December 15, 2022, the appellant, Idrees Merritt, filed this appeal from a Superior Court order dated and docketed on November 15, 2022, that denied his motion for correction of an illegal sentence. A notice of appeal must be timely filed to invoke the Court's appellate jurisdiction.¹ Under Supreme Court Rules 6 and 11, a timely notice of appeal should have been filed on or before December 14, 2022. On January 5, 2023, the Chief Deputy Clerk issued a notice directing Merritt to show cause why this appeal should not be dismissed as untimely filed.² On January 12, 2023, the Court received the certified mail receipt indicating that the notice to show cause had been delivered on January 10, 2023. A timely response to the notice to

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² The Senior Court Clerk had initially issued the notice on December 15, 2022. The postal service returned the first notice as undeliverable.

show cause was due on or before January 20, 2023. The appellant having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is deemed to be unopposed.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice