

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES DEMBY,	§
	§
Defendant Below,	§ No. 289, 2024
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. I.D. No. 2305005404 (N)
	§
Appellee.	§

Submitted: August 13, 2024

Decided: August 26, 2024

ORDER

The appellant filed this appeal on July 25, 2024.¹ The notice of appeal indicated that the appellant desired to appeal from his conviction and sentence and the Superior Court’s denial of certain pretrial motions. The Superior Court docket reflects that the court imposed sentence on May 15, 2024. A notice of appeal must be timely filed to invoke the Court’s appellate jurisdiction.² Under Supreme Court Rules 6 and 11, a timely notice of appeal would have been filed on or before June 14, 2024. The Senior Court Clerk issued a notice directing the appellant to show cause why this appeal should not be dismissed as untimely filed. On August 2, 2024, the Court received the certified mail receipt indicating that the notice to show cause

¹ The Superior Court docket reflects that the Superior Court granted the defendant’s motion to proceed *pro se* on December 14, 2023.

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

had been delivered. The appellant having failed to respond to the notice to show cause within the required ten-day period, 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 the appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice