

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY A. DENSTON,	§
	§
Defendant Below-	§ No. 536, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9905011124
Plaintiff Below-	§
Appellee.	§

Submitted: January 9, 2008  
Decided: February 15, 2008

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

**ORDER**

This 15<sup>th</sup> day of February 2008, it appears to the Court that:

(1) On October 5, 2007, the Court received appellant Gregory Denston’s notice of appeal from the Superior Court Prothonotary’s notice indicating that it could not accept Denston’s memorandum in support of his Rule 61 motion because Denston had no Rule 61 motion pending before the Superior Court. The notice indicated that Denston’s Rule 61 motion had been denied on June 22, 2006. On January 2, 2008, this Court issued a notice to Denston directing him to show cause why his appeal should not be

dismissed for the Court's lack of jurisdiction to entertain an appeal from a notice issued by the Prothonotary.

(2) Denston filed a response to the notice to show cause on January 9. His response does not address the Court's lack of jurisdiction to consider his appeal. Instead, he asserts that he will demonstrate why the Superior Court's 2006 postconviction ruling was wrong.

(3) To the extent that Denston is attempting to appeal the Superior Court's June 22, 2006 ruling on his postconviction motion, it is clear that this Court has no jurisdiction to consider his untimely appeal.<sup>1</sup> Moreover, to the extent Denston is attempting to appeal the Prothonotary's refusal to docket his memorandum, this Court has no jurisdiction to hear an appeal from actions taken by trial court clerical staff.<sup>2</sup>

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>1</sup>*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829(1989) (holding that time is jurisdictional requirement and that a notice of appeal must be filed within the thirty-day limitations period).

<sup>2</sup>*See Redden v. McGill*, 549 A.2d 695, 697-98 (Del. 1988).