

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH JACKSON,	§	
	§	No. 18, 2008
Respondent Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Kent County
	§	
STATE OF DELAWARE,	§	
	§	
Petitioner Below,	§	C.A. No. 07M-11-019
Appellee.	§	

Submitted: February 19, 2008

Decided: April 10, 2008

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 10th day of April 2008, having considered the notice of appeal filed by the appellant, Joseph Jackson, the notice to show cause issued by the Clerk, Jackson's response to the notice to show cause, and his reply to the appellee's answer to his response, it appears to the Court that:

(1) On January 8, 2008, the Court received Jackson's notice of appeal from a Superior Court order dated November 30, 2007 granting an application for forfeiture filed by the appellee, State of Delaware.¹ On

¹ The forfeiture application was for a total of \$24,390 and involved thirteen defendants, including Jackson for the amount of \$1,345.

January 8, 2008, the Clerk issued a notice directing that Jackson show cause why the appeal should not be dismissed as untimely² for his failure to file the notice of appeal within thirty days of the November 30, 2007 order.³

(2) In his response to the notice to show cause and reply to the State's answer to his response, Jackson contends that he was not notified of the forfeiture application and thus had no opportunity to oppose it. Jackson argues that his lack of notice of the forfeiture application should excuse his untimely appeal from the November 30 order granting the application.

(3) Under Delaware law and procedure, a notice of appeal must be received by the office of the Clerk of this Court within the applicable time period.⁴ Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the untimely appeal cannot be considered.⁵

(4) This case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Neither Jackson's response to the notice to show nor his reply to the State's answer to his response suggest that court-related personnel prevented him from filing his

² Del. Supr. Ct. R. 29(b).

³ Del. Supr. Ct. R. 6(a)(i).

⁴ Del. Supr. Ct. R. 6(a), 10(a).

⁵ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

notice of appeal within thirty days of the Superior Court's November 30, 2007 order.

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

BY THE COURT:

/s/ Randy J. Holland
Justice