

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN T. SNEAD,	§	
	§	No. 184, 2008
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County.
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0105002628
Appellee.	§	

Submitted: April 18, 2008

Decided: May 12, 2008

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

ORDER

This 12th day of May 2008, it appears to the Court that:

(1) On April 11, 2008, the Court received John T. Snead's notice of appeal from a Superior Court decision dated and docketed March 7, 2008.

Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before April 7, 2008.¹

(2) On April 11, 2008, the Clerk issued a notice directing that Snead show cause why the appeal should not be dismissed as untimely filed.² In his response to the notice to show cause, Snead asserts that his

¹ Del. Supr. Ct. R. 6(a).

² Del. Supr. Ct. R. 29(b).

appeal should be considered filed as of April 7, 2008, the date he placed the notice of appeal in the prison mail system.

(3) This Court has previously considered and refused to create a separate “mailbox rule” for prisoners.³ Under Delaware law, a notice of appeal must be *received* by the Office of the Clerk of this Court within the applicable time period to be effective.⁴ Unless an appellant can demonstrate that the failure to timely file a notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.⁵

(4) Snead does not contend and the record does not reflect that his failure to timely file the notice of appeal is attributable to court-related personnel.⁶ This case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

³ *Carr v. State*, 554 A.2d 778 (Del. 1989).

⁴ *See id.* (stating that “[t]ime is a jurisdictional requirement”); Del. Supr. Ct. R. 10(a).

⁵ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

⁶ *See Brown v. State*, 2004 WL 1535757 (Del. Supr.) (dismissing untimely appeal after concluding that prison law library personnel are not court-related personnel); *Deputy v. Roy*, 2004 WL 1535479 (Del. Supr.) (dismissing untimely appeal after concluding that delay in prison mail system cannot enlarge jurisdictional appeal period.).