

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARREN L. HAYMAN,	§	
	§	No. 190, 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. 0709000058
Appellee.	§	

Submitted: April 25, 2008

Decided: May 12, 2008

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

ORDER

This 12th day of May 2008, upon consideration of the appellant's untimely notice of appeal,¹ the Clerk's notice directing the appellant to show cause why the appeal should not be dismissed, and the appellant's response to the notice to show cause, it appears to the Court that this appeal should be dismissed. The appellant does not contend and the record does not reflect that the appellant's failure to timely file his notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the

¹Although the notice of appeal filed on April 17, 2008 is from the appellant's sentencing on January 29, 2008, it appears from the docket that the Superior Court denied the appellant's motion for postconviction relief on March 6, 2008. Nonetheless, whether from the January 29, 2008 sentencing or from the March 6, 2008 denial of postconviction relief, the notice of appeal was untimely filed. *See* Del. Supr. Ct. R. 6(a) (providing for thirty-day period to file notice of appeal).

exception to the general rule that mandates the timely filing of a notice of appeal.²

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

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