

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VICTOR RODRIGUEZ,	§
	§ No. 394, 2003
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 0005017581
	§
Plaintiff Below,	§
Appellee.	§

Submitted: August 21, 2003

Decided: September 24, 2003

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

ORDER

This 24th day of September 2003, it appears to the Court that:

(1) The appellant Victor Rodriguez filed a notice of appeal on August 7, 2003, purporting to appeal his criminal convictions, which were entered following a Superior Court jury trial in December 2000. The Clerk of the Court issued a notice to Rodriguez to show cause why the appeal should not be dismissed for his failure to perfect his appeal within thirty days from his sentencing, as required by Supreme Court Rule 6(a)(ii).

(2) Rodriguez filed a response to the notice to show cause. In his response, Rodriguez asserts the substantive issues he wishes to argue on appeal, but he fails to address the untimeliness of his appeal. After review, it appears to

the Court that Rodriguez, in fact, took an appeal from his criminal convictions and sentences. This Court affirmed Rodriguez's convictions and sentences on appeal.¹

To the extent Rodriguez is attempting to reargue the Court's order affirming his convictions, his attempt comes far too late.² To the extent Rodriguez seeks to obtain postconviction relief, he must follow the procedures of Superior Court Criminal Rule 61.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 6 and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Justice

¹ *Rodriguez v. State*, Del. Supr., No. 456, 2001, Berger, J. (Apr. 7, 2003).

² DEL. SUPR. CT. R. 18 (motion for reargument must be filed within 15 days of Court's order or opinion).