

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEINO S. CHRICHLOW,	§
	§
Defendant Below-	§ No. 300, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0611011396
Plaintiff Below-	§
Appellee.	§

Submitted: June 5, 2009

Decided: July 14, 2009

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

ORDER

This 14th day of July 2009, it appears to the Court that:

(1) On May 26, 2009, the Court received appellant's notice of appeal from the Superior Court's amended sentencing order dated January 17, 2008. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before February 18, 2008.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed as untimely filed.¹ Appellant filed a response to the notice to show cause on June 5,

¹Del. Supr. Ct. R. 6(a) (ii).

2009. He asserts that his counsel was ineffective for failing to file a timely notice of appeal on his behalf.² He asks that he be allowed to pursue his appeal out of time.

(3) Time is a jurisdictional requirement.³ A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁵

(4) Defense counsel is not “court-related personnel.” To the extent Chrichlow asserts ineffective assistance of counsel, such a claim must be pursued through a postconviction motion filed in accordance with Superior Court Criminal Rule 61. The Court concludes that the within appeal must be dismissed.

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

BY THE COURT:
/s/ Henry duPont Ridgely
Justice

² The State filed a notice of appeal in Chrichlow’s case, and Chrichlow’s codefendant filed a cross-appeal. Chrichlow did not cross-appeal. This Court affirmed the Superior Court’s judgments. *See State v. Bridgers & Chrichlow*, Nos. 609/610, 2007, Holland, J. (Mar. 30, 2009).

³*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829(1989).

⁴Del. Supr. Ct. R. 10(a).

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