

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PARRIS WALL,	§
	§ No. 384, 2002
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID No. 90K01991DI
Respondent Below,	§
Appellee.	§

Submitted: July 26, 2002  
Decided: August 14, 2002

Before **VEASEY**, Chief Justice, **WALSH**, and **BERGER**, Justices.

ORDER

This 14<sup>th</sup> day of August 2002, it appears to the Court that:

(1) On July 9, 2002, Parris Wall filed an untimely notice of appeal from the Superior Court's order, dated April 4, 2002, denying his motion for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before May 6, 2002.

(2) On July 10, 2002, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Wall to show cause why the appeal should not be dismissed for his failure to file his notice of appeal within 30 days after entry

upon the docket of the order from which the appeal is taken, as required by Supreme Court Rule 6.

(3) On July 26, 2002, Wall filed his response to the notice to show cause. In his response, Wall appears to raise issues why his former counsel should be held accountable for failing to file a direct appeal from Wall's guilty plea and sentencing on September 11, 1990. Wall does not address why his appeal from the Superior Court's denial of postconviction relief is untimely.

(4) Time is a jurisdictional requirement.<sup>1</sup> A notice of appeal *must* be received by the Office of the Clerk of the Supreme Court within the applicable time period in order to be effective.<sup>2</sup> Unless Wall can demonstrate that his failure to file a timely notice of appeal is attributable to court-related personnel, and is not attributable either to himself or to his lawyer, the appeal cannot be considered.<sup>3</sup> There is nothing in this record to reflect that Wall's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal.

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<sup>1</sup> *Carr v. State*, Del. Supr., 554 A.2d 778, *cert. denied*, 493 U.S. 829 (1989).

<sup>2</sup> Supr. Ct. R. 10(a).

<sup>3</sup> *Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

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

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice