

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LIAM SCHOFIELD,	§
	§ No. 117, 2020
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID No. 1608024954 (N)
Plaintiff Below,	§
Appellee.	§

Submitted: April 28, 2020

Decided: May 1, 2020

Before **SEITZ**, Chief Justice: **VALIHURA** and **VAUGHN**, Justices.

ORDER

Upon consideration of the notice to show cause and the responses, it appears to the Court that:

(1) On March 18, 2020, the Court received Liam Schofield’s notice of appeal from an October 21, 2019 Superior Court sentencing order. To be timely filed, the notice of appeal had to be received by the Clerk or a Deputy Clerk in any county on or before November 20, 2019.¹

¹ Del. Supr. Ct. R. 6(a)(iii); Del. Supr. Ct. R. 10(a).

(2) The Chief Deputy Clerk sent a letter to Schofield, asking him to clarify whether he wished to appeal from the Superior Court's February 24, 2020 order denying his motion for sentence modification or the Superior Court's October 21, 2019 sentencing order. Schofield responded and reiterated that he wished to appeal the Superior Court's October 21, 2019 sentencing order. Schofield alleged that he was acting on advice he obtained from a prison law library employee who told him that he could either file a motion for sentence modification or an appeal. Relying on this advice, Schofield chose to file a motion for sentence modification in the Superior Court instead of a timely appeal in this Court.

(3) At the Court's request, the State has responded to Schofield's representation. The State attached to its response the criminal docket sheet for this case, which indicates that Schofield was provided with advice regarding his right to appeal the Superior Court's October 21, 2019 sentencing order.

(4) Time is a jurisdictional requirement.² A notice of appeal must be received by the Court within the applicable time period to be effective.³ Unless an appellant can demonstrate that the failure to file a timely notice of appeal is

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

³ Del. Supr. Ct. R. 10(a).

attributable to court-related personnel, the appeal cannot be considered.⁴ Prison law library personnel are not court-related personnel.⁵

(5) Schofield does not claim, and the record does not reflect, that his failure to file a timely notice of appeal 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. Accordingly, this appeal must be dismissed.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

⁵ *Brown v. State*, 2004 WL 1535757, at *1 (Del. July 2, 2004).