

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEVEN O. HICKMAN,	§
	§ No. 20, 2004
Plaintiff Below,	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
RICK KEARNEY, STAN TAYLOR,	§ C.A. No. 03M-09-013
WENDY PHILLIPS, EARL MESSICK,	§
MELVIN HENESSY, LT. ATALLIAN,	§
DANIELLE KROMKA, et al.,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: February 3, 2004

Decided: March 2, 2004

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

**ORDER**

This 2<sup>nd</sup> day of March 2004, it appears to the Court that:

(1) The appellant, Steven O. Hickman, filed a notice of appeal on January 16, 2004 from an order of the Superior Court dated December 3, 2003. The Superior Court's December 3 order denied Hickman's motion to reargue the Superior Court's dismissal of his complaint. On January 22, 2004, the Clerk of this Court issued a notice to Hickman to show cause why his appeal should not be dismissed for his failure to file his notice within the thirty-day

appeal period.<sup>1</sup> Hickman filed a response to the notice to show cause. In his response, Hickman offers no explanation for his untimely filing.

(2) This Court lacks jurisdiction to consider an appeal when the notice of appeal is not filed in a timely manner *unless* the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel.<sup>2</sup> Hickman's untimely filing in this case is not attributable to court-related personnel. Accordingly, this Court has no jurisdiction to hear Hickman's untimely appeal.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>1</sup> See Del. Supr. Ct. R. 6(a)(i); 10 DEL. CODE ANN. tit. 10, § 148 (1999).

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