

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARLTON L. HARDING,	§ No. 143, 2004
	§
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID No. 0203010637
Plaintiff Below,	§
Appellee.	§

Submitted: April 26, 2004  
Decided: April 30, 2004

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

**ORDER**

This 30<sup>th</sup> day of April 2004, it appears to the Court that:

(1) The appellant, Carlton L. Harding, filed a notice of appeal on April 8, 2004 from a Superior Court order entered January 27, 2004. The Superior Court's January 27<sup>th</sup> order denied Harding's motion for postconviction relief. On April 14, 2004, the Clerk of this Court issued a notice to Harding 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> Harding filed a response to the notice to show cause. In his response, Harding argues that, due to his ignorance of the

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

law and the important issues raised in his appeal, the Court should allow him an opportunity to file his notice of appeal out of time.

(2) Time, however, is a jurisdictional requirement.<sup>2</sup> 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. Harding's untimely filing in this case is not attributable to court-related personnel.<sup>3</sup> Accordingly, this Court has no jurisdiction to hear this 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/ Carolyn Berger  
Justice

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<sup>2</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

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