

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHAWN A. MCILVAIN,	§
	§ No. 198, 2004
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. No. IN03-10-2320
	§ Cr. ID 0309014836
Plaintiff Below,	§
Appellee.	§

Submitted: May 18, 2004

Decided: June 8, 2004

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

**ORDER**

This 8<sup>th</sup> day of June 2004, upon consideration of the appellant's untimely notice of appeal from his guilty plea and sentence, the notice to show cause issued by the Clerk, and the appellant's response thereto, it appears that the appellant's failure to timely file his appeal is *not* attributable to court-related personnel.\* 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/ Myron T. Steele  
Chief Justice

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