

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAYMOND WILLIAMS, JR.,	§	
	§	No. 472, 2011
Defendant Below,	§	
Appellant,	§	Court Below–Superior Court of the
	§	State of Delaware in and for New
v.	§	Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0903011471
Appellee.	§	

Submitted: September 6, 2011  
Decided: September 9, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**O R D E R**

This 9<sup>th</sup> day of September 2011, it appears to the Court that:

(1) On August 30, 2011, the Court received Raymond Williams’ notice of appeal from the Superior Court’s modified violation of probation sentence order arising from Williams’ resentencing on July 20, 2011. On its face, the notice of appeal was untimely filed. Pursuant to Supreme Court Rule 6, the notice of appeal should have been filed within thirty days of Williams’ July 20, 2011 resentencing, *i.e.*, on or August 19, 2011.<sup>1</sup>

(2) An untimely appeal cannot be considered unless an appellant can demonstrate that the failure to timely file a notice of appeal is attributable to court-related

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<sup>1</sup> Del. Supr. Ct. R. 6(a)(ii).

personnel.<sup>2</sup> For that reason, the Clerk issued a notice directing that Williams show cause why the appeal should not be dismissed as untimely filed.<sup>3</sup>

(3) In response to the Clerk's notice Williams states that he is "housed in a maximum security building," has limited access to the prison law library and "is ignorant in Law and Rules of the Court." Williams "implores the Court to please allow him to proceed with the appeal."

(4) The Court is unable to grant Williams' request. "Time is a jurisdictional requirement."<sup>4</sup> Under Delaware law, a notice of appeal must be received by the office of the Clerk within the thirty-day time period to be effective.<sup>5</sup>

(5) Williams does not contend, and the record does not reflect, that his failure to timely file the 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.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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

<sup>3</sup> Del. Supr. Ct. R. 29(b).

<sup>4</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>5</sup> Del. Supr. Ct. R. 10(a).