

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SEAN A. JOYCE,	§
	§
Defendant Below-	§ No. 351, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0307015153
Plaintiff Below-	§
Appellee.	§

Submitted: August 27, 2004

Decided: September 17, 2004

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

ORDER

This 17th day of September 2004, it appears to the Court that:

(1) On August 17, 2004, the appellant Sean Joyce filed a notice purporting to appeal from a sentence imposed by the Superior Court on February 26, 2004. The Clerk of this Court issued a notice to Joyce to show cause why his appeal should not be dismissed for his failure to file his notice of appeal within the 30-day appeal period.¹ Joyce's response to the rule to show cause does not address the untimeliness of his appeal.

¹ See Del. Supr. Ct. R. 6(a)(ii).

(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.² Joyce does not assert that his failure to timely file his appeal is attributable to court-related personnel in any way. 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/ Randy J. Holland
Justice

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