

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH R. KING,	§	
	§	No. 650, 2011
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware, in and for
v.	§	Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0202010963
Appellee.	§	

Submitted: December 7, 2011
Decided: December 21, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

O R D E R

This 21st day of December 2011, it appears to the Court that:

(1) Over nine years ago, the appellant, Joseph R. King, pled guilty to several offenses, for which he was sentenced. On November 30, 2011, King filed a “notice of appeal/petition for attorney.” King’s notice of appeal did not identify the order from which he was appealing. After review of the Superior Court docket, the Clerk deemed King’s notice of appeal to be from the most recent decision and

order issued by the Superior Court, *i.e.*, the court's May 1, 2009 denial of King's third motion for postconviction relief.¹

(2) The appellate jurisdiction of this Court rests upon perfecting an appeal within the applicable time period.² A notice of appeal in a postconviction proceeding must be filed within "[w]ithin thirty days after entry upon the docket" of the order sought to be reviewed.³

(3) The Clerk issued a notice directing that King show cause why this appeal should not be dismissed as untimely filed. In response to the notice to show cause, King does not address the issue of the timeliness of his notice of appeal, and he does not otherwise identify an appealable order.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ An updated Superior Court docket sheet reflects that King's motion for modification of sentence was denied by an order docketed on December 12, 2011. *See* docket at 100, *State v. King*, Del. Super., Cr. ID No. 0202010963 (Dec. 12, 2011) (docketing of order denying motion for modification of sentence).

² *See Carr v. State*, 554 A.2d 778, 779 (Del. 1989) (providing that "[t]ime is a jurisdictional requirement.").

³ Del. Supr. Ct. R. 6(a)(iii).