

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GUANGO CORREA,	§	No. 65, 2006
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware, in
	§	and for Sussex County
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	Cr. ID No. 0204015491

Submitted: March 13, 2006

Decided: March 17, 2006

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

**ORDER**

This 17<sup>th</sup> day of March 2006, upon consideration of the appellant's untimely notice of appeal,<sup>1</sup> the Clerk's notice directing the appellant to show cause why the appeal should not be dismissed, and the appellant's response to the notice to show cause,<sup>2</sup> it appears to the Court that this appeal should be dismissed.<sup>3</sup> The appellant's failure to timely file his notice of appeal is

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<sup>1</sup>The notice of appeal was filed on February 7, 2006 from a sentencing order of the Superior Court dated August 19, 2002. *See* Del. Supr. Ct. R. 6(a)(ii) (providing that a notice of appeal must be filed within thirty days of sentencing).

<sup>2</sup>In its discretion, the Court considered the appellant's response to the notice to show cause notwithstanding that the response was due to be filed on or before February 20, 2006, and was not filed until March 13, 2006.

<sup>3</sup>This is the second time that the appellant has attempted to file an appeal from the Superior Court sentencing order dated August 19, 2002 in Cr. ID No. 0204015491. The

not 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.<sup>4</sup>

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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appellant's first appeal also was dismissed as untimely filed. *Correa v. State*, 2004 WL 728527 (Del. Supr.).

<sup>4</sup>*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).