

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MITCHELL L. GRIFFIN,	§	
	§	No. 461, 2006
Defendant Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County in
	§	New Castle County.
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0401020858
Appellee.	§	

Submitted: October 10, 2006
Decided: November 29, 2006

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

ORDER

This 29th day of November 2006, upon consideration of the notice of appeal filed by the appellant, the notice to show cause issued by the Clerk, the appellant's response to the notice, and the appellee's memorandum in support of dismissal, it appears to the Court that:

(1) The appellant, Mitchell L. Griffin, is an inmate at a Delaware correctional facility. On August 29, 2006, the Court received Griffin's notice of appeal from a Superior Court decision dated and docketed on July 27, 2006.

(2) The Clerk issued a notice directing that Griffin show cause why the appeal should not be dismissed for his failure to file the notice of appeal within thirty

days of the Superior Court's decision.¹ In his response to the notice, Griffin contends that it should be sufficient that he filed the notice of appeal within thirty days of his receipt of the decision on August 1, 2006.

(3) Under Delaware law and procedure, a notice of appeal must be received by the office of the Clerk of this Court within the applicable time period.² Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the untimely appeal cannot be considered.³

(4) The record does not reflect that Griffin's failure to file the notice of appeal within thirty days is related to court-related personnel. 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/ Carolyn Berger
Justice

¹Del. Supr. Ct. R. 6(a)(iii) (2006).

²Del. Supr. Ct. R. 6(a), 10(a); *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

³*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).