

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONNA MARIE SMITH,	§	
	§	No. 43, 2016
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court
	§	of the State of Delaware
v.	§	
	§	C.A. No. K13L-01-002
JP MORGAN CHASE NATIONAL	§	
BANK and FANNIE MAE,	§	
	§	
Plaintiffs Below,	§	
Appellees.	§	

Submitted: February 23, 2016
Decided: March 23, 2016

Before **STRINE**, Chief Justice; **HOLLAND** and **VALIHURA**, Justices.

ORDER

This 23rd day of March 2016, it appears to the Court that:

(1) On January 29, 2016, the appellant, Donna Marie Smith, filed a notice of appeal from a Superior Court order docketed on December 14, 2015, in a mortgage foreclosure action. On its face, the notice of appeal was untimely filed. Under Supreme Court Rule 6(a)(i), the appeal was due to be filed on or before January 13, 2016.¹

¹ Del. Supr. Ct. R. 6(a)(i) (providing that an appeal in a civil case must be filed within thirty days “after entry upon the docket of the judgment, order or decree from which the appeal is taken”).

(2) A notice of appeal must be timely filed to invoke the Court's appellate jurisdiction.² The jurisdictional defect created by the untimely filing of a notice of appeal cannot be excused unless the appellant can demonstrate that the delay in filing is attributable to court-related personnel.³

(3) On January 29, 2016, the Clerk issued a notice directing Smith to show cause why the appeal should not be dismissed as untimely filed. Smith's response to the notice takes issue with the proceedings in the mortgage foreclosure action. Smith does not address the untimeliness of her appeal in this Court.

(4) Smith does not contend, and the record does not reflect, that her failure to timely file the appeal is attributable 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, under Supreme Court Rules 6 and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

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