

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANGEL ORTIZ,	§	
	§	No. 676, 2013
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 1109020500
Appellee.	§	

Submitted: January 16, 2014
Decided: January 27, 2014

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

O R D E R

This 27th day of January 2014, it appears to the Court that:

(1) On December 12, 2013, the appellant, Angel Ortiz, filed an appeal from his February 10, 2012 guilty plea in the Superior Court. Thereafter, Ortiz filed an amended notice of appeal, which stated that he was appealing from his November 29, 2012 sentencing in the Superior Court.

(2) On January 2, 2014, the Clerk issued a notice directing that Ortiz show cause why the appeal should not be dismissed as untimely filed.¹ Ortiz filed

¹ Ortiz' notice of appeal from his November 29, 2012 sentencing was due on or before December 31, 2012. See Del. Supr. Ct. R. 6(a)(ii) (providing that an appeal from a criminal conviction must be filed within thirty days of sentencing).

a response to the notice on January 16, 2014. Ortiz' response did not address the issue of the timeliness of the appeal.

(3) Under Delaware law, “[t]ime is a jurisdictional requirement.”² A notice of appeal must be received by the Office of the Clerk within the thirty-day time period to be effective.³ An untimely appeal cannot be considered unless an appellant can demonstrate that the failure to timely file the notice of appeal is attributable to court-related personnel.⁴

(4) In this case, Ortiz does not contend, and the record does not reflect, that his failure to file a timely notice of appeal is attributable to court personnel. Consequently, 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 Rules 6 and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

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

³ Del. Supr. Ct. R. 10(a).

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