IN THE SUPREME COURT OF THE STATE OF DELAWARE

KRISTI KLINE,	§	
	§	No. 18, 2014
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. 1008017247
Appellee.	§	

Submitted: January 21, 2014
Decided: January 28, 2014

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

O R D E R

This 28th day of January 2014, it appears to the Court that:

(1) On January 13, 2014, the Court received Kristi Kline's notice of appeal from a Superior Court sentence imposed on December 3, 2013 for a violation of probation. Pursuant to Supreme Court Rule 6(a)(ii), the notice of appeal should have been filed on or before January 4, 2014.[1]

(2) On January 13, 2014, the Clerk issued a notice pursuant to Supreme Court Rule 29(b), directing Kline to show cause why the appeal should not be dismissed as untimely filed. In her response to the notice filed on January 21,

[1] *See* Del. Supr. Ct. R. 6(a)(ii) (providing that an appeal from a criminal conviction must be filed within thirty days of sentencing).

2014, Kline asserts that her appeal was untimely due to the "delayed notarization process" and the mail system at the prison where she is incarcerated.

(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 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, Kline does not contend, and the record does not reflect, that her failure to file a timely notice of appeal is attributable to court personnel.[5] 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

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[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).

[5] *See Zuppo v. State*, 2011 WL 761523 (Del. March 3, 2011) (holding that prison personnel are not court personnel).