IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHAMEEKA ROBINSON,	§
GUARDIAN OF DERRICK	§ No. 378, 2023
CRAWFORD,	§
	§ Court Below–Superior Court
Plaintiff Below,	§ of the State of Delaware
Appellant,	§
	§ C.A. No. N22C-09-522
v.	§
	§
REGAL HEIGHTS	§
HEALTHCARE & REHAB	§
CENTER, LLC d/b/a REGAL	§
HEIGHTS HEALTHCARE &	§
REHABILITATION CENTER	§
and NATIONWIDE	§
HEALTHCARE SERVICES,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: November 3, 2023 Decided: November 8, 2023

Before VALIHURA, TRAYNOR, and LEGROW, Justices.

ORDER

After consideration of the notice to show cause and the parties' responses, it appears to the Court that:

(1) On October 9, 2023, the appellant, Chameeka Robinson, guardian of Derrick Crawford, filed a notice of appeal from the Superior Court's order—dated and docketed September 6, 2023—granting the motion to dismiss filed by the appellees, Regal Heights Healthcare & Rehab Center, LLC d/b/a Regal Heights

Healthcare & Rehabilitation Center and Nationwide Healthcare Services (together, "Regal Heights"). Because Supreme Court Rule 6 provides that a civil appeal must be filed within thirty days of the lower court's order, 1 a timely notice of appeal was due on or before October 6, 2023.

- (2) The Senior Court Clerk issued a notice directing Robinson to show cause why her appeal should not be dismissed as untimely filed. The Court directed Robinson to file a response to the notice to show cause by October 19, 2023. In his untimely response to the notice to show cause filed on October 23, 2023, Robinson's attorney claims that a member of his support staff "attempted to file a notice of appeal" on October 5, 2023. According to Robinson's attorney, his support staff member "is still unsure of what went wrong as she sincerely thought she had filed the [notice of appeal]." Regal Heights argues that this appeal should be dismissed because its untimeliness cannot be excused.
- (3) Time is a jurisdictional requirement.² A notice of appeal must be received by the Court within the applicable time period to be effective.³ Unless an appellant can demonstrate that her failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.⁴

¹ Del. Supr. Ct. R. 6(a)(i).

² Carr v. State, 554 A.2d 778, 779 (Del.), cert. denied, 493 U.S. 829 (1989).

³ Del. Supr. Ct. R. 10(a).

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

(4) As Regal Heights correctly observed in its response to the notice to

show cause, Robinson's attorney concedes that his failure to file a timely notice of

appeal in this case is 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, and this appeal must be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED, under Supreme Court

Rule 29(b), that the appeal be DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor

Justice

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