

IN THE SUPREME COURT OF THE STATE OF DELAWARE

COREY BOWERS,

Defendant Below,  
Appellant,

v.

STATE OF DELAWARE,

Appellee.

§

§ No. 346, 2024

§

§ Court Below–Superior Court  
§ of the State of Delaware

§

§ Cr. ID No. 1204010456 (N)

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§

Submitted: September 9, 2024

Decided: September 13, 2024

Before **VALIHURA, TRAYNOR, and GRIFFITHS**, Justices.

**ORDER**

After consideration of the notice to show cause and the appellant’s response, it appears to the Court that:

(1) On August 22, 2024, the appellant, Corey Bowers, filed a notice of appeal from a June 10, 2024 Superior Court order denying his motion for sentence review. Under Supreme Court Rule 6, a timely notice of appeal was due on or before July 10, 2024. The Senior Court Clerk therefore issued a notice directing Bowers to show cause why this appeal should not be dismissed as untimely filed. In response to the notice to show cause, Bowers has submitted a notice of appeal from the Superior Court’s September 2023 order denying a previous motion for sentence

modification.<sup>1</sup> Bowers does not address the untimeliness of the notice of appeal from the Superior Court's June 10, 2024 order.

(2) Time is a jurisdictional requirement.<sup>2</sup> A notice of appeal must be received by the Court within the applicable time period to be effective.<sup>3</sup> An appellant's prisoner *pro se* status does not excuse his failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> Unless an appellant can demonstrate that his failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.<sup>5</sup>

(3) Bowers does not claim, and the record does not reflect, that his failure to file a timely notice of appeal from the Superior Court's June 10, 2024 order is 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.

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<sup>1</sup> This second notice of appeal is attached to a copy of the notice to show cause and bears the appeal number assigned to this appeal—346, 2024.

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

<sup>3</sup> Del. Supr. Ct. R. 10(a).

<sup>4</sup> *See Smith v. State*, 47 A.3d 481-82 (Del. 2012) (dismissing a prisoner's *pro se* appeal, filed one day late, as untimely).

<sup>5</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

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