

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALBERTA BOWERS,	§
	§ No. 188, 2022
Defendant Below,	§
Appellant,	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
	§
STATE OF DELAWARE,	§
	§ Cr. ID No. 2005005348 (N)
Appellee.	§

Submitted: July 15, 2022

Decided: July 25, 2022

Before **VAUGHN, TRAYNOR, and MONTGOMERY-REEVES**, Justices.

ORDER

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

(1) Following a jury trial, the appellant, Alberta Bowers, was found guilty of second-degree assault and possession of a deadly weapon during the commission of a felony. On April 22, 2022, the Superior Court sentenced Bowers to two years of Level V incarceration, followed by decreasing levels of supervision. On June 22, 2022, Bowers, through counsel, filed a notice of appeal. A timely notice of appeal was due on or before May 23, 2022.¹ The Senior Court Clerk issued a notice

¹ Del. Supr. Ct. R. 6(a)(iii) (providing that a notice of appeal must be filed “[w]ithin 30 after a sentence is imposed in a direct appeal of a criminal conviction”).

directing Bowers to show cause why her appeal should not be dismissed as untimely filed under Supreme Court Rule 6.

(2) In her response to the notice to show cause, Bowers' counsel admits that she cannot show cause why this untimely appeal should not be dismissed and asks the Court to remand the case to the Superior Court to re-impose its sentence and allow Bowers to timely file a direct appeal. The State, having been informed of the circumstances underlying counsel's untimely filing of the notice of appeal, does not oppose remanding the case to the Superior Court for re-sentencing in the interests of justice.

(3) We agree that the interests of justice favor a remand to the Superior Court for re-sentencing. Upon remand, the Superior Court shall re-impose its April 22, 2022 sentence.

NOW, THEREFORE, IT IS HEREBY ORDERED that this matter is REMANDED to the Superior Court for further action in accordance with this Order. Jurisdiction is not retained.

BY THE COURT:

/s/ Gary F. Traynor
Justice