

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FERDELL HARVEY A/K/A/
FERDELL SNOWDEN,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 41, 2000

Court Below: Superior Court of
the State of Delaware in and for
New Castle County

C.A. No. IN96-11-1141
I.D. No. 9311018462

Submitted: February 7, 2000

Decided: February 24, 2000

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices.

ORDER

This 24th day of February 2000, it appears to the Court that:

(1) On January 27, 2000, the Court received the appellant's untimely notice of appeal from the Superior Court's order dated December 20, 1999, docketed December 21, 1999. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before January 20, 2000.

(2) On January 27, 2000, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the

appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on February 7, 2000. The appellant's response is non-responsive. The appellant provides no explanation for waiting until January 27, 2000 to file the appeal from order decided December 20, 1999.

(3) Time is a jurisdictional requirement. *Carr v. State*, Del. Supr., 554 A.2d 778, 779, *cert. denied*, 493 U.S. 829 (1989). A notice of appeal *must* be received by the Office of the Clerk of this Court within the applicable time period in order to be effective. Supr. Ct. R. 10(a). An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6. *Carr v. State*, 554 A.2d at 779. Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered. *Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

(4) There is nothing in the record that reflects that appellant's failure to file a timely notice of appeal in this case 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. Thus, the Court concludes that the within appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

s/Joseph T. Walsh

Justice