

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN A. ROY,	§
	§
Defendant Below-	§ No. 128, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0503015173
Plaintiff Below-	§
Appellee.	§

Submitted: March 17, 2008  
Decided: March 27, 2008

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 27<sup>th</sup> day of March 2008, it appears to the Court that:

(1) On March 10, 2008, the Court received Kevin Roy's notice of appeal from a Superior Court sentencing order, dated April 5, 2006, following Roy's guilty plea to charges of manslaughter and possession of a firearm. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before May 5, 2006.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Roy to show cause why the appeal should not be dismissed as untimely filed.<sup>1</sup> Roy filed a response to the notice to show cause on March 17, 2008. He asserts that he never knew he had a right to appeal the Superior Court's denial of his suppression motion after he entered a guilty plea.

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<sup>1</sup>Del. Supr. Ct. R. 6(a) (ii).

(3) Time is a jurisdictional requirement.<sup>2</sup> 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.<sup>3</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> 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.<sup>5</sup>

(4) There is nothing in the record to reflect that Roy'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/Henry duPont Ridgely  
Justice

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<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>*Carr v. State*, 554 A.2d at 779.

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