

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EZEADIGO ODUICHE,	§
	§
Defendant Below-	§ No. 121, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0511012724
Plaintiff Below-	§
Appellee.	§

Submitted: March 17, 2008
Decided: March 31, 2008

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

ORDER

This 31st day of March 2008, it appears to the Court that:

(1) On March 3, 2008, the Court received Ezeadigo Oduche's notice of appeal from a Superior Court order, dated January 17, 2008, denying his petition for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before February 19.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Oduche to show cause why the appeal should not be

dismissed as untimely filed.¹ Oduche filed a response to the notice to show cause on March 17, 2008. He asserts that he is illiterate and was not aware that he had only thirty day in which to file his notice of appeal.

(3) Time is a jurisdictional requirement.² 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.³ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁴ 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.⁵

(4) There is nothing in the record to reflect that Oduche'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.

¹Del. Supr. Ct. R. 6(a)(ii).

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

³Del. Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

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

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