

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOE L. TRAVIS,	§
	§
Defendant Below-	§ No. 127, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 30109075DI
Plaintiff Below-	§
Appellee.	§

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

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

**ORDER**

This 31<sup>st</sup> day of March 2008, it appears to the Court that:

(1) On March 7, 2008, the Court received Joe Travis' notice of appeal from a Superior Court order, dated February 4, 2008, denying his motion for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before March 5, 2008.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Travis to show cause why the appeal should not be dismissed as untimely filed.<sup>1</sup> Travis filed a response to the notice to show cause on

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

March 17, 2008. He asserts that his notice of appeal was delayed due to a new institutional policy concerning making copies.

(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 Travis' 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.

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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).

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