

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KASON CHRISTMAS,	§
	§
Defendant Below-	§ No. 106, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1012003877
Plaintiff Below-	§
Appellee.	§

Submitted: March 25, 2013

Decided: April 3, 2013

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

**ORDER**

This 3<sup>rd</sup> day of April 2013, it appears to the Court that:

(1) On March 11, 2012, the Court received appellant's notice of appeal from a Superior Court order dated January 31, 2013. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before March 4, 2012.

(2) The Senior Court Clerk issued a notice to appellant directing him to show cause why the appeal should not be dismissed as untimely.<sup>1</sup> Appellant filed a response to the notice to show cause on March 25, 2013. He asserts that he is a prisoner and was not able to get to the prison law library to obtain the necessary

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<sup>1</sup>Del. Supr. Ct. R. 6(a)(iii) (2013).

forms until after the filing deadline. He requests that his untimely filing be excused because it was unintentional.

(3) In Delaware, 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 or incarcerated status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> Unless an 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) Prison personnel are not 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, this 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>*Smith v. State*, 47 A.3d 481, 482 (Del. 2012).

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