

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LINDA V. CARTER, ¹	§
	§
Petitioner Below-	§ No. 481, 2008
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
RONNIE LAY, SR.,	§ in and for New Castle County
	§ File No. CN02-06391
Respondent Below-	§ Pet. No. 07-20674
Appellee.	§

Submitted: October 1, 2008
Decided: December 15, 2008

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

ORDER

This 15th day of December 2008, it appears to the Court that:

(1) On September 19, 2008, the Court received Linda Carter's notice of appeal from a Family Court order dated August 29, 2007. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before September 28, 2007.

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

¹ The Court assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

as untimely filed.² Carter responded on October 1, 2008. She contends that she filed her appeal almost a year late because she was not aware that she could file an appeal earlier.

(3) Time is a jurisdictional requirement.³ 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.⁴ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁵ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, her appeal cannot be considered.⁶

(4) There is nothing in the record to substantiate a claim that Carter'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.

²Del. Supr. Ct. R. 6(a)(ii).

³*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

⁴Del. Supr. Ct. R. 10(a).

⁵*Carr v. State*, 554 A.2d at 779.

⁶*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/ Myron T. Steele
Chief Justice