

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VICTOR HAMMOND,	§
	§ No. 428, 2000
Defendant Below,	§
Appellant,	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr.A. No. VS93-11-0571-07
	§
Plaintiff Below,	§
Appellee.	§

Submitted: September 8, 2000
Decided: September 25, 2000

Before **HOLLAND, BERGER** and **STEELE**, Justices.

ORDER

This 25th day of September 2000, it appears to the Court that:

(1) On August 31, 2000, the Court received the appellant's notice of appeal from a July 28, 2000, violation of probation sentencing order of Superior Court. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the July 28, 2000, order should have been filed on or before August 28, 2000.

(2) On August 31, 2000, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on September 8, 2000. The appellant states that he was waiting for a copy of the violation of probation sentencing order. The appellant provides no

other explanation for waiting until August 31, 2000 to file the appeal. Pursuant to Supreme Court Rule 6(a)(iii), a notice of appeal in any proceeding for postconviction relief must be filed within 30 days after entry upon the docket of the judgment or order being appealed.

(3) Time is a jurisdictional requirement. *Carr v. State*, Del. Supr., 554 A.2d 778, 779, *cert. denied*, 493 U.S. 829 (1989). 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. Supr. Ct. R. 10(a). An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6. *Carr v. State*, 554 A.2d at 779. 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. *Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

(4) There is nothing in the record that reflects that appellant'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/ Carolyn Berger
Justice