

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS GIBISON,	§	
	§	
Defendant Below-	§	No. 360, 2000
Appellant,	§	
	§	
v.	§	Court Below—Superior Court
	§	of the State of Delaware,
STATE OF DELAWARE,	§	in and for New Castle County
	§	Cr.A. Nos. IN90-02-0095
Plaintiff Below-	§	IN90-02-0096
Appellee.	§	IN90-02-0097
	§	IN90-02-0098
	§	IN90-02-0099
	§	IN90-02-0101

Submitted: August 17, 2000
Decided: September 1, 2000

Before **WALSH, HOLLAND** and **BERGER**, Justices

ORDER

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

(1) On July 24, 2000, the Court received the appellant's untimely notice of appeal from the Superior Court's order dated May 30, 2000, docketed May 30, 2000, denying the appellant's motion to vacate his conviction. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 29, 2000.

(2) On July 27, 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 August 7, 2000.

(3) The appellant states that he was not able to file a timely appeal because he was placed in the prison segregation unit on June 26, 2000 and did not have access to his appeal papers. He further states that he filed his appeal papers as soon as he was able following his release from the segregation unit.

(4) Appellant's argument is not persuasive. Time is a jurisdictional requirement.¹ A notice of appeal filed by mail must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.² An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.³ Unless the appellant can demonstrate that the

¹*Carr v. State*, Del. Supr., 554 A.2d 778, 779, cert. denied, 493 U.S. 829 (1989).

²Supr. Ct. R. 10(a).

³*Carr v. State*, 554 A.2d at 779.

failure to file a timely notice of appeal is attributable to court-related personnel, his appeal can not be considered.⁴

(5) There is nothing in the record reflecting 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 Rules 6 and 29(b), that the within appeal is DISMISSED.

BY THE COURT:
/s/ Randy J. Holland
Justice

⁴*Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).