

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NIKERRAY MIDDLEBROOK,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 345, 2000

Court Below: Superior Court of
the State of Delaware in and for
New Castle County

Cr. A. No. IN96-09-2018 through -
2027

Cr. ID No. 9609006928

Submitted: August 7, 2000

Decided: August 14, 2000

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

ORDER

This 14th day of August 2000, it appears to the Court that:

(1) On July 17, 2000, the Court received the appellant's notice of appeal from a Superior Court order dated June 14, 2000. Pursuant to Supreme Court Rule 6, a timely notice of appeal from a June 14, 2000, order should have been filed on or before July 14, 2000.

(2) On July 19, 2000, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal from the June 14, 2000, order should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on August 7, 2000. Appellant

contends in his response that his notice of appeal was “*served by mail*” July 11, 2000.

(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/ Randy J. Holland
Justice