

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER WILLIAMS,	§
	§
Defendant Below-	§ No. 501, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 1301018630
Plaintiff Below-	§
Appellee.	§

Submitted: October 30, 2013
Decided: November 5, 2013

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

ORDER

This 5th day of November 2013, it appears to the Court that:

(1) On September 23, 2013, the Court received appellant Christopher Williams’ notice of appeal from a Superior Court sentencing order, dated August 9, 2013, which sentenced him to twenty-five years at Level V incarceration to be suspended after serving twelve years in prison for decreasing levels of supervision. The sentence was the result of Williams’ guilty plea in June 2013 to one count each of Child Abuse and Sexual Abuse of a Child by a Person in a Position of Trust.

(2) Pursuant to Supreme Court Rule 6, Williams' timely notice of appeal from his sentence should have been filed on or before September 9, 2013. The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Williams to show cause why the appeal should not be dismissed as untimely filed.¹ Williams filed a response to the notice to show cause on October 21, 2013. The response offers no explanation for his untimely filing. The Court also received a response from Williams' defense counsel who indicated that Williams never advised counsel of his desire to appeal his sentence.

(3) At the Court's direction, the State also filed an answer to Williams' response to the notice to show cause. The State argues that the 30-day time limit to file a notice of appeal is a jurisdictional requirement. While there is an exception to the 30-day time limit if the appellant can establish that the untimeliness of the appeal is attributable to court-related personnel, Williams has not made such a showing in this case.

(4) We agree. Time is a jurisdictional requirement.² 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.³ An appellant's pro se status

¹Del. Supr. Ct. R. 6(a)(ii).

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

³Del. Supr. Ct. R. 10(a).

does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁴ Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.⁵ Williams has made no such showing in this case. 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

⁴*Smith v. State*, 47 A.3d 481, 486-87 (Del. 2012).

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