

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AARON E. BRUTON,	§
	§
Defendant Below-	§ No. 125, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID Nos. 0102022958 and
Plaintiff Below-	§ 0102022251
Appellee.	§

Submitted: April 14, 2005
Decided: May 17, 2005

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

ORDER

This 17th day of May 2005, it appears to the Court that:

(1) On April 1, 2005, the Court received the appellant's notice of appeal from a Superior Court order dated February 28, 2005. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the February 28, 2005 order should have been filed on or before March 30, 2005.

(2) 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.¹ The appellant filed a response to the notice to

¹Supr. Ct. R. 6(a) (ii).

show cause on April 14, 2005. The appellant contends that he placed his notice of appeal in the prison mail on March 26. The appellant appears to argue that his notice of appeal should be considered filed on the date he mailed it.

(3) 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 does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁴ 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.⁵

(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.

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

³Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

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

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice