

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRUCE E. WORTHY, JR.,	§
	§ No. 661, 2013
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware,
v.	§ in and for Kent County
	§
STATE OF DELAWARE,	§ Cr. ID No. 0911004655
	§
Plaintiff Below,	§
Appellee.	§

Submitted: December 12, 2013

Decided: December 30, 2013

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

**ORDER**

This 30<sup>th</sup> day of December 2013, it appears to the Court that:

(1) On December 4, 2013, the Court received the appellant’s notice of appeal from the Superior Court’s violation of probation (“VOP”) sentencing order, which was signed and docketed on November 1, 2013. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the November 1, 2013 VOP sentencing order should have been filed on or before December 2, 2013.

(2) On December 4, 2013, the Clerk issued a notice pursuant to 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 December 12, 2013. The appellant states that his appeal was untimely because he had insufficient time in the library to work on it.

(3) Pursuant to Rule 6(a)(ii), a notice of appeal from a VOP sentencing order must be filed within 30 days of the date the sentence is imposed. Time is a jurisdictional requirement.<sup>1</sup> A notice of appeal must be received by the Office of the Clerk of the Court within the applicable time period in order to be effective.<sup>2</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.<sup>3</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.<sup>4</sup>

(4) There is nothing in the record before us reflecting that the 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. The Court therefore concludes that this appeal must be dismissed.

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<sup>1</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>2</sup> SUPR. CT. R. 10(a).

<sup>3</sup> *Carr v. State*, 554 A.2d at 779.

<sup>4</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice