

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MELANIE DAVIS,	§
	§ No. 537, 2006
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STEVEN NESTOR,	§ File No. CN05-04438
	§ Petition Nos. 05-26477
Respondent Below-	§ 06-01192
Appellee.	§ 06-07088

Submitted: October 26, 2006
Decided: November 20, 2006

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

ORDER¹

This 20th day of November 2006, it appears to the Court that:

(1) On October 2, 2006, the Court received the appellant's notice of appeal from the Family Court's June 20, 2006 custody order, which was docketed on June 22, 2006. Pursuant to Supreme Court Rule 6, a timely notice of appeal from that order should have been filed on or before July 22, 2006.

(2) On October 11, 2006, 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. On October 26, 2006, the

¹ The Court has sua sponte assigned pseudonyms to the parties. Supr. Ct. R. 7(d).

appellant filed her response to the notice to show cause. The appellant does not address the issue of timeliness, but states that her appeal should be considered because the appellee has not followed the orders of the Family Court. Pursuant to Supreme Court Rule 6, a notice of appeal from a final order of the Family Court must be filed within 30 days after entry upon the docket of the judgment or order being appealed.

(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 or her appeal cannot be considered.⁵

(4) There is nothing in the record before the Court 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

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

³ Supr. Ct. R. 10(a).

⁴ *Carr v. State*, 554 A.2d at 779.

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

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/ Carolyn Berger
Justice