

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CLARENCE U. JAMISON,	§
	§ No. 227, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0409009565
	§
Plaintiff Below-	§
Appellee.	§

Submitted: May 9, 2007
Decided: May 17, 2007

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

ORDER

This 17th day of May 2007, it appears to the Court that:

(1) On May 3, 2007, the Court received the appellant's notice of appeal from the Superior Court's February 21, 2006 order denying his motion for sentence reduction. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the February 21, 2006 order should have been filed on or before March 23, 2006.

(2) On May 3, 2007, 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. The appellant filed his response to the notice to show cause on May 9, 2007. The appellant states that he was not advised of his right to appeal from his sentence and his sentence as a habitual offender is unjust.

(3) Time is a jurisdictional requirement.¹ 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.² An appellant's pro se status does not excuse a failure to strictly comply with the jurisdictional requirements of Supreme Court Rule 6.³ 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.⁴

(4) There is nothing in the record 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 mandating 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/ Henry duPont Ridgely
Justice

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

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

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