

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTOINE MURRAY,	§
	§
Defendant Below-	§ No. 230, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0705023337
Plaintiff Below-	§
Appellee.	§

Submitted: May 4, 2009  
Decided: May 12, 2009

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

**ORDER**

This 12<sup>th</sup> day of May 2009, it appears to the Court that:

(1) On April 24, 2009, the Court received appellant’s notice of appeal from a Superior Court order, dated January 21, 2009, which denied appellant’s motion for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before February 20, 2009.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be

dismissed as untimely filed.<sup>1</sup> Appellant filed a response to the notice to show cause on May 4, 2009. He asserts that he simply was not aware that he could appeal the Superior Court's denial of postconviction relief. He asks the Court to excuse his ignorance of the law and allow his appeal to move forward.

(3) Time is a jurisdictional requirement.<sup>2</sup> 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.<sup>3</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> 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.<sup>5</sup>

(4) There is nothing in the record to suggest 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

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<sup>1</sup>Del. Supr. Ct. R. 6(a)(ii).

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

<sup>3</sup>Del. Supr. Ct. R. 10(a).

<sup>4</sup>*Carr v. State*, 554 A.2d at 779.

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

general rule that mandates 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/ Carolyn Berger  
Justice