

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHANEA WARREN,	§
	§
Defendant Below-	§ No. 385, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0701016582
Plaintiff Below-	§
Appellee.	§

Submitted: July 1, 2010
Decided: July 13, 2010

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

ORDER

This 13th day of July 2010, it appears to the Court that:

(1) On June 23, 2010, the Court received appellant’s notice of appeal from a Superior Court order, dated May 14, 2010, which sentenced appellant after finding a violation of probation. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 14, 2010.

(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.¹ Appellant filed a response to the notice to show cause on July 1, 2010. She asserts that she initially mailed her appeal to the wrong court but that she re-mailed it to the proper address “between the dates of June 7 and June 11.” Appellant argues that her notice of appeal should have been received by the June 14 deadline and, thus, should be considered timely.

(3) We disagree. 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, her appeal cannot be considered.⁵

(4) There is nothing in the record to reflect 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

¹Del. Supr. Ct. R. 6(a)(ii).

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

³Del. 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).

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/ Randy J. Holland
Justice