

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT L. COVERDALE,	§
	§ No. 400, 2010
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 0410000885
	§
Plaintiff Below-	§
Appellee.	§

Submitted: July 7, 2010  
Decided: July 15, 2010

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

**ORDER**

This 15<sup>th</sup> day of July 2010, it appears to the Court that:

(1) On July 1, 2010, the Court received the appellant's notice of appeal from the Superior Court's May 14, 2010 order finding him in violation of probation. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the May 14, 2010 order should have been filed on or before June 14, 2010.

(2) On July 1, 2010, 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 July 7, 2010. The appellant states that he filed his notice of

appeal in the wrong court.<sup>1</sup> He also states that, once he realized his mistake, he immediately sent the notice of appeal to the Supreme Court. Pursuant to Rule 6(a)(iii), a notice of appeal must be filed within 30 days after entry upon the docket of the judgment or order being appealed.

(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 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 can not be considered.<sup>5</sup>

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal 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. Thus, the Court concludes that the within appeal must be dismissed.

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<sup>1</sup> The record reflects that a notice of appeal was filed in the Kent County Prothonotary's Office on June 14, 2010.

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

<sup>3</sup> 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).

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