

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FREDERICK G. STICKEL,	§
	§ No. 295, 2011
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court of
	§ the State of Delaware, in and for
	§ New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0709032243
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 24, 2011

Decided: June 30, 2011

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

ORDER

This 30th day of June 2011, it appears to the Court that:

(1) On June 10, 2011, the Court received the appellant’s notice of appeal from the Superior Court’s April 26, 2011 violation of probation (“VOP”) sentence. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before May 26, 2011.

(2) On June 13, 2011, the Clerk of the Court 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 June 24, 2011. He states that his appeal was timely because he mailed his notice of appeal on May 25, 2011.

(3) Pursuant to Rule 6(a) (ii), a notice of appeal must be filed within 30 days of the date a VOP sentence is imposed. 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 comply strictly with the jurisdictional requirements of 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 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 this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
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).