

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LaWARREN BOLDEN,	§ No. 364, 2001
	§
Defendant Below,	§ Court Below: Superior Court
Appellant,	§ of the State of Delaware,
v.	§ in and for New Castle County,
	§ Cr.A. ID No. 93001229DI.
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: August 20, 2001

Decided: August 30, 2001

Before WALSH, BERGER, and STEELE, Justices.

**ORDER**

This 30<sup>th</sup> day of August 2001, it appears to the Court that:

1. On August 2, 2001, the Court received a notice of appeal from the opinion and order of the Superior Court dated June 29, 2001 and docketed July 2, 2001, which denied the defendant, LaWarren Bolden's motion for post-conviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before August 1, 2001.

2. On August 2, 2001, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Bolden to show cause why the appeal should not be dismissed as untimely filed. Bolden filed his response to the notice to show cause on August 20, 2001. Bolden asserts that he placed his notice of appeal

in the mail on July 27, 2001 and, therefore, it should have been received prior to the expiration of the 30-day time period in which to file an appeal.

3. Bolden's position is without merit. 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. Supr. Ct. R. 10(a). An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6. *Carr v. State*, 554 A.2d at 779. Unless Bolden can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered. *Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

4. Furthermore, the Court has previously considered and refused to create a separate "mailbox rule" for prisoners. *Carr v. State*, Del. Supr., 554 A.2d 778, 779, *cert. denied*, 493 U.S. 829 (1989). Any delay caused by the prison mail system cannot justify an enlargement of the 30-day, jurisdictional time period.

5. There is nothing in the record to reflect that Bolden'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

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/ Myron T. Steele  
Justice