

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ONEIL A. ROSE,	§
	§
Defendant Below-	§ No. 147, 2016
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID 1206001558
Plaintiff Below-	§
Appellee.	§

Submitted: July 11, 2016
Decided: July 20, 2016

Before **STRINE**, Chief Justice; **HOLLAND**, and **VALIHURA**, Justices.

ORDER

This 20th day of July 2016, it appears to the Court that:

(1) On March 24, 2016, the Court received appellant Oneil Rose’s notice of appeal from a Superior Court order dated January 28, 2016 (and docketed February 1, 2016). The Superior Court’s order denied Rose’s motion for postconviction relief. Under Supreme Court Rule 6(a)(iv), a timely notice of appeal should have been filed on or before March 2, 2016.

(2) On June 30, 2016, the Senior Court Clerk issued a notice directing Rose to show cause why his appeal should not be dismissed as

untimely.¹ Rose filed a response on July 11, 2016. His response only addresses the merits of his appeal and does not address the jurisdictional defect created by his untimely filing.

(3) 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 This Court cannot consider an untimely appeal unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel.⁵ Rose has not made such a showing in this case. Thus, the Court concludes that his appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹Del. Supr. Ct. R. 6(a)(iv).

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

³Del. Supr. Ct. R. 10(a).

⁴*Smith v. State*, 47 A.3d 481, 486-87 (Del. 2012).

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