

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DALLAS H. DRUMMOND, JR.,	§
	§
Defendant Below-	§ No. 99, 2016
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§
	§ Cr. ID Nos. 1004010489 and
Plaintiff Below-	§ 1001008949A
Appellee.	§

Submitted: March 29, 2016
Decided: April 4, 2016

Before **HOLLAND**, **VALIHURA**, and **SEITZ**, Justices.

ORDER

This 4th day of April 2016, it appears to the Court that:

(1) On March 1, 2016, the Court received the appellant’s notice of appeal from a Superior Court sentencing order dated February 4, 2013. The appellant’s notice of appeal is untimely by nearly three years.

(2) The Clerk issued a notice under Supreme Court Rule 29(b), directing the appellant to show cause why the appeal should not be dismissed as untimely filed.¹ The appellant filed an untimely response to the notice to show cause on March 29, 2016, arguing the merits of his appeal.

¹Del. Supr. Ct. R. 6(a)(ii).

(3) Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk of this Court within 30 days of sentencing in a direct criminal appeal in order for the notice 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 an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.⁵

(4) This case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the appeal must be dismissed.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice

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

³Del. Supr. Ct. R. 6(a)(iii), 10(a) (2016).

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

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