

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT CONAWAY,	§
	§
Defendant Below-	§ No. 85, 2017
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID Nos. 1403003136A and
Plaintiff Below-	§ 1403003136B
Appellee.	§

Submitted: March 9, 2017
Decided: March 27, 2017

Before VALIHURA, VAUGHN, and SEITZ, Justices.

ORDER

This 27th day of March 2017, it appears to the Court that:

(1) On February 24, 2017, the Court received appellant Robert Conaway's notice of appeal from a Superior Court order docketed on June 24, 2016, denying Conaway's motion for postconviction relief. Under Supreme Court Rule 6(a)(iv), a timely notice of appeal should have been filed on or before July 25, 2016.

(2) The Chief Deputy Clerk issued a notice directing Conaway to show cause why his appeal should not be dismissed as untimely.¹ Conaway

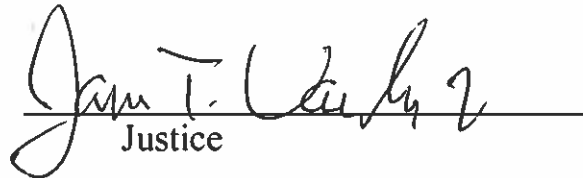
¹Del. Supr. Ct. R. 6(a)(iv).

filed a response on March 9, 2017. His response contends that his appeal is untimely because he does not understand the rules and he did not have counsel to assist him.

(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 Conaway 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:


Justice

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).