

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KAREEM WOODLIN,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 284, 2001

Court Below: Superior Court
of the State of Delaware,
in and for Kent County

Cr. A. No. VK99-03-0464-02
Cr. ID No. 9903012554

Submitted: June 26, 2001

Decided: July 11, 2001

Before **WALSH, HOLLAND** and **BERGER**, Justices

ORDER

This 11th day of July 2001, upon consideration of the notice of appeal filed by Kareem Woodlin, the notice to show cause issued by the Clerk, and Woodlin's response to the notice to show cause, it appears to the Court that:

(1) On June 19, 2001, the Court received Woodlin's notice of appeal from the Superior Court's resentencing order of March 26, 2001, docketed April 3, 2001. A timely notice of appeal from a Superior Court order of March 26, 2001, docketed April 3, should have been filed on or before May 3, 2001.

(2) On June 19, 2001, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Woodlin to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal. Woodlin filed a response to the notice to show cause on June 26, 2001. In his response, he does not address the question of why he did not file his appeal until June 19, 2001.

(3) 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.³ Unless an 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 that reflects that Woodlin'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

¹ *Carr v. State*, Del. Supr., 554 A.2d 778, 779, cert. denied, 493 U.S. 829 (1989).

² Supr. Ct. R. 10(a).

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/ Randy J. Holland
Justice

³ Supr. Ct. R. 6; *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).