

IN THE SUPREME COURT OF THE STATE OF DELAWARE

J.R. DRAYER, JR.,	§
	§
Defendant Below-	§ No. 181, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr.A. No. S97-06-0646
Plaintiff Below-	§
Appellee.	§

Submitted: May 24, 2001

Decided: June 25, 2001

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices

**ORDER**

This 25<sup>th</sup> day of June 2001, it appears to the Court that:

(1) On April 24, 2001, the Court received the appellant's notice of appeal from a Superior Court order dated December 4, 2000.<sup>1</sup> Pursuant to Supreme Court Rule 6, a timely notice of appeal from the December 4, 2000 order should have been filed on or before January 3, 2001.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed

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<sup>1</sup>The appellant's notice of appeal also purports to appeal from a November 6, 1998 order of the District Court of Delaware. This Court has no appellate jurisdiction to review the decision of a federal court. *See* DEL. CONST. art. IV, § 11.

as untimely filed.<sup>2</sup> The appellant filed a response to the notice to show cause on May 24, 2001. The appellant's response does not address the timeliness issue and appears only to argue the underlying merits of his appeal.

(3) Time is a jurisdictional requirement.<sup>3</sup> 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.<sup>4</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>5</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.<sup>6</sup>

(4) There is nothing in the record that reflects that appellant'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.

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<sup>2</sup>Supr. Ct. R. 6(a) (ii).

<sup>3</sup>*Carr v. State*, Del. Supr., 554 A.2d 778, 779, cert. denied, 493 U.S. 829(1989).

<sup>4</sup>Supr. Ct. R. 10(a).

<sup>5</sup>*Carr v. State*, 554 A.2d at 779.

<sup>6</sup>*Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice