

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD BASS,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 585, 2001

Court Below: Superior Court
of the State of Delaware in and
for New Castle County

Cr. ID No. 9607012102

Submitted: November 30, 2001

Decided: December 12, 2001

Before **VEASEY**, Chief Justice, **HOLLAND** and **STEELE**, Justices.

ORDER

This twelfth day of December 2001, upon consideration of the notice of appeal filed by Donald Bass, the notice to show cause issued by the Clerk, and the response by Mr. Bass to the notice to show cause, it appears to the Court that:

(1) On November 21, 2001, the Court received Mr. Bass' notice of appeal from a Superior Court Order dated October 17, 2001. A timely notice of appeal from an Order dated October 17, 2001, should have been filed on or before November 16, 2001.

(2) On November 21, 2001, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Mr. Bass to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal. Mr. Bass filed a response to the notice to show cause on November 30, 2001. In his response, Mr. Bass contends that, because he did not have access to a law library on a daily basis, he did not understand that he had only 30 days in which to file an appeal and that he was unable to file his appeal on time because, on November 15, 2001, his pen ran out of ink.

(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

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

² Supr. Ct. R. 10(a).

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).

(5) There is nothing in the record that reflects that Mr. Bass' 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.

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