

IN THE SUPREME COURT OF THE STATE OF DELAWARE

COLBERT SHANNONHOUSE,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 189, 2001

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

Cr. ID No. 9909023596

Submitted: May 18, 2001

Decided: May 25, 2001

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

ORDER

This 25th day of May 2001, upon consideration of the notice of appeal filed by Colbert Shannonhouse; the notice to show cause issued by the Clerk's office; the response by Mr. Shannonhouse to the notice to show cause; and the response by trial counsel to Mr. Shannonhouse's response, it appears to the Court that:

(1) On April 26, 2001, the Court received Mr. Shannonhouse's notice of appeal from the Superior Court's sentence of January 10, 2001. A timely

notice of appeal from imposition of a Superior Court sentence of January 10, 2001, should have been filed on or before February 9, 2001.

(2) On April 30, 2001, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Shannonhouse to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal.

Shannonhouse filed a response to the notice to show cause on May 7, 2001.

In his response, Shannonhouse stated that on the day of sentencing, he asked his attorney, an Assistant Public Defender, to file a notice of appeal on his behalf. He further stated that when he realized an appeal had not been filed, he filed one himself.

(3) On May 7, 2001, the Clerk's office asked the Assistant Public Defender who had represented Mr. Shannonhouse at trial to respond to Mr. Shannonhouse's claim that he asked him to file an appeal in his behalf. In a letter dated May 11, 2001, the Assistant Public Defender responded that Mr. Shannonhouse did not ask him to file an appeal at his sentencing or at any time after the sentencing. The Assistant Public Defender attached to his May 11th letter copies of his last three letters to Mr. Shannonhouse and stated that he has heard nothing from Mr. Shannonhouse since that correspondence.

(4) 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

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

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

BY THE COURT:

s/Joseph T. Walsh

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).

Justice