

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT B. RAMPMEYER,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 212, 2001

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

Cr. A. No. IK98-08-0484

Cr. ID No. 9808014797

Submitted: May 17, 2001

Decided: May 24, 2001

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

ORDER

This 24th day of May 2001, upon consideration of the notice of appeal filed by Robert B. Rampmeyer; the notice to show cause issued by the Clerk's office; and Rampmeyer's response to the notice to show cause, it appears to the Court that:

(1) On May 7, 2001, the Court received Rampmeyer's notice of appeal from the Superior Court's Order denying defendant's motion for modification of conditions of sentence dated and docketed March 29, 2001.

A timely notice of appeal from a Superior Court decision of March 29, 2001, should have been filed on or before April 30, 2001.

(2) On May 7, 2001, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Rampmeyer to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal. Rampmeyer filed a response to the notice to show cause on May 17, 2001. In his response, Rampmeyer stated that he did not receive the Superior Court's Order until on or about April 5th. He does not address the question of why he did not file his appeal until May 7th.

(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

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.

attributable to court-related personnel, his appeal cannot be considered.⁴

(4) There is nothing in the record that reflects that Rampmeyer'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
Justice

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