

IN THE SUPREME COURT OF THE STATE OF DELAWARE

REGINALD JACKSON,	§	
	§	No. 166, 2001
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court
	§	of the State of Delaware, in
v.	§	and for New Castle County, in
	§	Cr.A. Nos. IN98-01-0943 through
STATE OF DELAWARE,	§	0945 and IN98-02-1830.
	§	
Plaintiff Below,	§	
Appellee.	§	Def. ID No. 9801007022

Submitted: April 23, 2001

Decided: May 15, 2001

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

ORDER

This 15th day of May 2001, upon consideration of the notice of appeal filed by Reginald Jackson, the notice to show cause issued by the Clerk's Office, and Jackson's response to the notice to show cause, it appears to the Court that:

(1) On April 16, 2001, the Court received Jackson's untimely notice of appeal from the Superior Court's February 17, 1999 jury verdict wherein Jackson was convicted of Attempted Murder in the First Degree, Robbery in the First Degree and two counts of Possession of a Firearm During the Commission of a Felony. It appears that Jackson was sentenced on April 23, 1999 in that

case, and that his direct appeal was affirmed by this Court on September 13, 2000.¹

(2) On April 16, 2001, the Assistant Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Jackson to show cause why the appeal should not be dismissed as untimely. In his response to the notice, Jackson states that he intended to appeal from the Superior Court's January 23, 2001, denial of postconviction relief, but that he did not know how to prepare a notice of appeal and was without access to the prison law library.

(3) "Time is a jurisdictional requirement."² A party seeking to invoke the criminal appellate jurisdiction of this Court from the denial of postconviction relief must file the notice of appeal within the 30-day period of limitations fixed by law.³ An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional appeal requirements.⁴ Unless an appellant can

¹*Jackson v. State*, Del. Supr., No. 206, 1999, Steele, J., 2000 WL 1508601 (Sept. 13, 2000) (ORDER).

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

³*Id.*; 10 *Del. C.* § 147; Supr. Ct. R. 6(a)(iii); 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.⁵

(4) There is nothing in the record that reflects that Jackson's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Accordingly, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. The Court concludes that the appeal must be dismissed.

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

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

⁵*Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).