

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MATTHEW D. TRAGO,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 150, 2001

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

Cr. ID No. 9607010823

Submitted: April 16, 2001

Decided: May 2, 2001

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

ORDER

This 2nd day of May 2001, upon consideration of the notice of appeal filed by Matthew D. Trago, an inmate at the Delaware Correctional Center; the Clerk's notice to show cause; and Trago's response to the notice, it appears to the Court that:

(1) On April 4, 2001, the Court received Trago's notice of appeal from the Superior Court's denial of his motion for postconviction relief docketed in Superior Court on March 2, 2001. A timely notice of appeal from

a decision docketed on March 2, 2001, decision should have been filed on or before April 2, 2001.¹

(2) On April 4, 2001, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Trago to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal. Trago filed a response to the notice to show cause on April 16, 2001. In his response, he stated that he sent the notice of appeal on March 27, 2001. He further states that on March 1, 2001, he requested forms from the prison law library, but never received them.

(3) Time is a jurisdictional requirement.² 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.³ An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements.⁴ Unless an appellant can demonstrate that the failure to file a timely notice of appeal is

¹ Supr. Ct. R. 6(a)(ii).

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

³ Supr. Ct. R. 10(a).

⁴ Supr. Ct. R. 6; *Carr v. State*, 554 A.2d at 779.

attributable to court-related personnel, his appeal cannot be considered.⁵

(4) There is nothing in the record that reflects that Trago'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/ E. Norman Veasey
Chief Justice

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