

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARLOS J. PABON,	§
	§ No. 496, 2001
Defendant Below,	§
Appellant,	§ Court Below: Superior Court
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§ Cr. ID No. 0009013750
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: October 16, 2001
Decided: November 7, 2001

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

ORDER

This 7th day of November 2001, it appears to the Court that:

(1) On October 5, 2001, the appellant Carlos Pabon filed a notice of appeal from the Superior Court's Order dated July 27, 2001. A timely notice of appeal should have been filed on or before August 27, 2001.

(2) On October 5, 2001, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Pabon to show cause why the appeal should not be dismissed for his failure to file a timely notice of appeal. In his response, Pabon recites reasons for wanting to appeal, but he does not address the issue of his failure to file a timely notice of appeal.

(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

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

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).