

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ISAIAH J. WALKER,	§
	§ No. 283, 2012
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 1007020527
	§
Plaintiff Below-	§
Appellee.	§

Submitted: July 5, 2012  
Decided: July 16, 2012

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 16<sup>th</sup> day of July 2012, it appears to the Court that:

(1) On May 25, 2012, the Court received the appellant’s notice of appeal from the Superior Court’s July 29, 2011 sentencing order. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the July 29, 2011 order should have been filed on or before August 29, 2011.

(2) On May 25, 2012, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on June 8, 2012. The appellant states that he directed his attorney to file a timely appeal, but his attorney did not do so. The appellant’s attorney filed a reply to the

appellant's response in which he denies that he failed to follow any instruction from the appellant to file an appeal. He further states that his file does not reflect that the appellant ever requested him to file an appeal.

(3) Pursuant to Rule 6(a) (ii), a notice of appeal from a sentencing order must be filed within 30 days of the date sentence is imposed. Time is a jurisdictional requirement.<sup>1</sup> A notice of appeal must be received by the Office of the Clerk of the Court within the applicable time period in order to be effective.<sup>2</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.<sup>3</sup> Unless the appellant can demonstrate that his failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.<sup>4</sup>

(4) There is nothing in the record before us reflecting that the appellant'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 this appeal must be dismissed.

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<sup>1</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>2</sup> Supr. Ct. R. 10(a).

<sup>3</sup> *Carr v. State*, 554 A.2d at 779.

<sup>4</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.<sup>5</sup>

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>5</sup> The appellant's claims against his attorney may be pursued by means of a postconviction motion filed in the Superior Court under Superior Court Criminal Rule 61.