

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELMER DANIELS,	§
	§
Defendant Below-	§ No. 323, 2013
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 87002394DI
Plaintiff Below-	§
Appellee.	§

Submitted: June 28, 2013
Decided: July 8, 2013

Before **HOLLAND, BERGER, and JACOBS**, Justices.

ORDER

This 8th day of July 2013, it appears to the Court that:

(1) On June 19, 2013, the Court received appellant’s notice of appeal from a Superior Court order, dated May 16, 2013 and docketed May 17, 2013, which denied his motion for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 17, 2013.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed as

untimely filed.¹ Appellant filed a response to the notice to show cause on June 28, 2013. His response does not address the untimely filing of his notice of appeal and instead presents argument regarding the relative merit of his appeal.

(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 of Supreme Court Rule 6.⁴ The appellant does not argue that the failure to file a timely notice of appeal in this case is attributable to court-related personnel.⁵ Thus, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. The appeal, therefore, 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/ Carolyn Berger
Justice

¹Del. Supr. Ct. R. 6(a)(iii).

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

³Del. Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

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