

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NICOLE M. FULMER,	§
	§ No. 384, 2013
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 1002000292
	§
Plaintiff Below,	§
Appellee.	§

Submitted: July 30, 2013
Decided: August 23, 2013

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

ORDER

This 23rd day of August 2013, it appears to the Court that:

(1) On July 18, 2013, the Court received the appellant’s notice of appeal from the Superior Court’s May 21, 2013 violation of probation (“VOP”) sentencing order. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the Superior Court’s order should have been filed on or before June 20, 2013.

(2) On July 19, 2013, 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 her response to the notice to

show cause on July 30, 2013. The appellant states that her notice of appeal was timely because it was filed in the Superior Court on June 20, 2013.

(3) Pursuant to Rule 6(a) (ii), a notice of appeal from a VOP sentencing order must be filed in the Supreme Court (not the Superior Court) within 30 days of the date that sentence is imposed. Time is a jurisdictional requirement.¹ A notice of appeal must be received by 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 of Rule 6.³ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the appeal may not be considered.⁴

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule mandating the filing of a timely notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

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

² SUPR. CT. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

⁴ *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.

BY THE COURT:

/s/ Jack B. Jacobs
Justice