

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH S. PACZKOWSKI,	'	
	'	
Defendant Below-	'	No. 490, 2000
Appellant,	'	
	'	
v.	'	Court BelowCSuperior Court
	'	of the State of Delaware,
STATE OF DELAWARE,	'	in and for Sussex County
	'	Cr.A. No. S99-05-0080R2
	'	
Plaintiff Below-	'	
Appellee.	'	

Submitted: October 20, 2000
Decided: November 27, 2000

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices

ORDER

This 27th day of November 2000, it appears to the Court that:

(1) On October 6, 2000, the Court received the appellant's notice of appeal from a Superior Court sentence imposed August 19, 1999. A timely notice of appeal from the August 19, 1999 sentence should have been filed on or before September 20, 1999.¹

(2) On October 6, 2000, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing the appellant to show cause why the

¹Supr. Ct. R. 6(a) (ii).

appeal should not be dismissed for failure to file a timely notice of appeal. The appellant filed a response to the notice to show cause on October 20, 2000. He did not address the issue of the untimely filing of the notice of 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 this Court's jurisdictional requirements.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁵

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

³Supr. Ct. R. 10(a).

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

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

(4) There is nothing in the record that reflects that 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 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/ Myron T. Steele
Justice