

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HERBERT HANDY,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 297, 2000

Court Below: Superior Court of
the State of Delaware in and for
Sussex County

Cr. A. No. 99-02-0033

Cr. ID No. 9812017572

Submitted: June 26, 2000

Decided: July 10, 2000

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

ORDER

This 10th day of July 2000, it appears to the Court that:

(1) On June 16, 2000, the Court received the appellant's notice of appeal from a Superior Court order dated July 2, 1999. Pursuant to Supreme Court Rule 6, a timely notice of appeal from a July 2, 1999, order should have been filed on or before August 2, 1999.

(2) On June 16, 2000, the Clerk issued a notice pursuant to Supreme Court 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 26, 2000.

(3) Appellant states in his reply to the notice to show cause that his appeal was late because his reading is poor and because he doesn't know how to "do this law work." He also states that his attorney has withdrawn from the case and that he believed that his attorney or another attorney would help him with his case.

(3) Time is a jurisdictional requirement. *Carr v. State*, Del. Supr., 554 A.2d 778, 779, *cert. denied*, 493 U.S. 829 (1989). 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. Supr. Ct. R. 10(a). An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6. *Carr v. State*, 554 A.2d at 779. 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. *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/ E. Norman Veasey
Chief Justice