

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WINFRED O. BROWN,	§
	§
Defendant Below-	§ No. 248, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0305001518
Plaintiff Below-	§
Appellee.	§

Submitted: June 21, 2004  
Decided: July 2, 2004

Before **STEELE**, Chief Justice, **HOLLAND**, and **JACOBS**, Justices.

**ORDER**

This 2<sup>nd</sup> day of July 2004, it appears to the Court that:

(1) On June 4, 2004, the Court received the appellant's notice of appeal from a Superior Court order, dated April 21, 2004, denying a motion for correction of sentence. According to Supreme Court Rule 6, a timely notice of appeal from the April 21, 2004 order should have been filed on or before May 21, 2004.

(2) 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.<sup>1</sup> The appellant filed a response to the notice to show cause on June 21, 2004. He contends that his untimely filing should be excused because it was not his fault. According to appellant, his untimely filing is the result of unspecified “action and inactions of the prison law library.”

(3) Time, however, is a jurisdictional requirement.<sup>2</sup> 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.<sup>3</sup> An appellant’s pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> 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.<sup>5</sup> Prison law library personnel are not court-related personnel.

(4) Accordingly, there is nothing in the record to reflect 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

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<sup>1</sup>Supr. Ct. R. 6(a) (ii).

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

<sup>3</sup>Supr. Ct. R. 10(a).

<sup>4</sup>*Carr v. State*, 554 A.2d at 779.

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

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/ Jack B. Jacobs  
Justice