

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELLEN BARLOW, ¹	§
	§ No. 512, 2012
Respondent Below-	§
Appellant,	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
	§ in and for New Castle County
LARRY BARLOW,	§ File No. CN11-06448
	§ Pet. No. 11-40213
Petitioner Below-	§
Appellee.	§

Submitted: October 1, 2012
Decided: October 12, 2012

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

ORDER

This 12th day of October 2012, it appears to the Court that:

(1) On September 17, 2012, the Court received appellant’s notice of appeal from a Family Court order dated May 4, 2012. Among other things, the Family Court’s order incorporated the parties’ 2007 separation agreement into the final divorce decree. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 4, 2012.

(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

¹ The Court assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

untimely filed.² Appellant filed a response to the notice to show cause on September 29, 2012. Her response does not offer any explanation for her failure to file her notice of appeal in a timely manner. Instead, the response addresses the merits of her appeal from the Family Court's order.

(3) Time is a jurisdictional requirement.³ 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.⁴ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁵ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, her appeal cannot be considered.⁶

(4) After review, we conclude that 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/ Henry duPont Ridgely
Justice

²Del. Supr. Ct. R. 6(a)(i) (2012).

³*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

⁴Del. Supr. Ct. R. 10(a) (2012).

⁵*Carr v. State*, 554 A.2d at 779.

⁶*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).