

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ADOLPH CONOVER,	§
	§
Defendant Below-	§ No. 363, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9604003388
Plaintiff Below-	§
Appellee.	§

Submitted: September 7, 2004
Decided: September 28, 2004

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

ORDER

This 28th day of September 2004, it appears to the Court that:

(1) On August 23, 2004, the Court received appellant Adolph Conover's notice of appeal from a Superior Court sentencing order, which was dated May 13, 2004 and docketed June 8, 2004. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the sentencing order should have been filed on or before June 14, 2004.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Conover to show cause why the appeal should not be

dismissed as untimely.¹ Conover filed a response to the notice to show cause on August 30, 2004. Conover contends that his appeal is untimely because the Prothonotary did not send him a copy of the sentencing order until August 11, 2004. The State filed a reply in response to Conover's contention. The State contends that the 30-day appeal period in Conover's case began to run on May 13, the day Superior Court pronounced his sentence, without regard to when the sentencing order was docketed or received. We agree.²

(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, his appeal cannot be considered.⁶

¹Supr. Ct. R. 6(a)(ii).

²See *Eller v. State*, 531 A.2d 951 (Del. 1987).

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

⁴Supr. Ct. R. 10(a).

⁵*Carr v. State*, 554 A.2d at 779.

⁶*Bey v. State*, 402 A.2d 362, 363 (Del. 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/ Carolyn Berger
Justice