

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ERIC Q. BARKLEY,	§
	§
Defendant Below-	§ No. 537, 2012
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID Nos. 1105010854
Plaintiff Below-	§ and 1012009393
Appellee.	§

Submitted: October 17, 2012

Decided: October 23, 2012

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

ORDER

This 23rd day of October 2012, it appears to the Court that:

(1) On September 28, 2012, the Court received appellant’s notice of appeal from a Superior Court order, dated June 25, 2012, which denied his motion for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before July 25, 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 untimely filed.¹ Appellant filed a response to the notice to

¹Del. Supr. Ct. R. 6(a)(iii) (2012).

show cause on October 17, 2012. The appellant's response offers an explanation as to why his request for de novo review of the Commissioner's Report and Recommendation, dated May 25, 2012, was not timely filed in the Superior Court. He offers no explanation, however, as to why his appeal to this Court from the Superior Court's June 25, 2012 decision was not filed within the thirty day limitations period.

(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 the jurisdictional requirements of Supreme Court Rule 6.⁴ 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

(4) There is nothing to reflect that court-related personnel are responsible for the appellant's untimely notice of appeal in this Court. Thus, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Accordingly, the appeal must be dismissed.

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

³Del. Supr. Ct. R. 10(a) (2012).

⁴*Carr v. State*, 554 A.2d at 779.

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

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