

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD D. TAYLOR,	§
	§
Defendant Below-	§ No. 460, 2004
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. 04M-07-010
Plaintiff Below-	§
Appellee.	§

Submitted: November 12, 2004
Decided: December 16, 2004

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

ORDER

This 16th day of December 2004, it appears to the Court that:

(1) On October 15, 2004, the Court received the appellant's notice of appeal from a Superior Court order dated July 9, 2004, which denied the appellant's petition for a writ of habeas corpus. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the July 9, 2004 order should have been filed on or before August 9, 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.¹ The appellant filed a response to the notice to show cause on November 12, 2004. Although not entirely clear, the appellant appears to argue that the Superior Court's denial of his petition for a writ of habeas corpus was not ripe for appeal because the appellant did not properly file the writ naming the warden as a respondent. The appellant argues that he filed a motion to amend his writ on July 28, 2004 and that the Superior Court's ruling on his petition for a writ could not be appealed until the Superior Court ruled on his motion to amend.

(3) Clearly, the appellant's motion to amend, which was filed weeks after his petition for habeas corpus was denied, had no effect on the finality of the Superior Court's July 9 order. 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

¹Supr. Ct. R. 6(a) (ii).

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

³Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

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 in the record to reflect that the 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/ Henry duPont Ridgely
Justice

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