

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GILBERT R. RENN,	§
	§ No. 230, 2002
Defendant Below,	§
Appellant,	§ Court Below: Superior Court
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§
STATE OF DELAWARE,	§ Cr. ID No. 9812014653
	§
Plaintiff Below,	§
Appellee.	§

Submitted: May 9, 2002
Decided: May 14, 2002

Before **WALSH, HOLLAND, and STEELE**, Justices.

ORDER

This 14th day of May 2002, upon consideration of the notice to show cause and the response thereto, it appears to the Court that:

(1) On April 25, 2002, the appellant, Gilbert R. Renn, filed a notice of appeal from the Superior Court's order dated March 18, 2002. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the March 18, 2002 order should have been filed on or before April 17, 2002.

(2) On April 25, 2002, the Clerk of this Court issued a notice, pursuant to Supreme Court Rule 29(b), directing Renn to show cause why the appeal should not be dismissed for his failure to file a timely notice of appeal.

In his response, Renn contends that, pursuant to Supreme Court Rule 11, the appeal was filed in a timely manner and that the Court erred by counting weekends and holidays in computing the thirty limitations period.

(3) Renn misconstrues Rule 11. Saturdays, Sundays and holidays are excluded from the computation of time periods only when a period of time prescribed or allowed is less than seven days. The Rule that controls here is Supreme Court Rule 6, which states that a notice of appeal shall be filed in the office of the Clerk of this Court within 30 days after entry upon the docket of a judgment or order in any proceeding for post-conviction relief.¹

(4) 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.⁴ Unless an

¹ DEL. SUPR. CT. R. 6(a)(iii).

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

³ DEL. SUPR. CT. R. 10(a).

⁴ DEL. SUPR. CT. R. 6; *Carr v. State*, 554 A.2d at 779.

appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.⁵

(5) There is nothing in the record to reflect that Renn'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/Joseph T. Walsh
Justice

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