

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFERY L. TAYLOR,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 62, 2000

Court Below: Superior Court
of the State of Delaware in and
for Sussex County

Cr. A. Nos. S98-12-0131

Submitted: February 28, 2000

Decided: March 2, 2000

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices.

ORDER

This 2nd day of March 2000, it appears to the Court that:

(1) On February 14, 2000, the Court received the appellant's untimely notice of appeal from the Superior Court's order of October 8, 1999.

Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before November 8, 1999.*

* An independent review of the Superior Court docket indicates that defendant's motion for reduction of sentence was denied on December 1, 1999. In defendant's notice of appeal, he did not indicate that he wished to appeal this decision; however, even if he had, that appeal, too, would have been untimely, since an appeal from a December 1, 1999, decision would have been due in the Supreme Court on or before December 31, 1999.

(2) On February 14, 2000, 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. The appellant's response to the notice to show cause was filed on February 28, 2000.

(3) In appellant's response to the notice to show cause he states that he had no physical access to the law library due to the fact that he was in isolation confinement, during which time he did not have access to any personal legal papers or anything pertaining to his legal work. Time is a jurisdictional requirement. *Carr v. State*, Del. Supr., 554 A.2d 778, *cert. denied*, 493 U.S. 829 (1989). A notice of appeal *must* be received by the Office of the Clerk of the Supreme Court within the applicable time period in order to be effective. Supr. Ct. R. 10(a).

(4) An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6. *Carr v. State*, *supra*. Unless the appellant can demonstrate that his failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered. *Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

(5) 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 Rules 6 and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

s/Joseph T. Walsh
Justice