

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL D. HARRIS,	§
	§ No. 238, 2002
Defendant Below,	§
Appellant,	§ Court Below: Superior Court
	§ of the State of Delaware,
v.	§ in and for Kent County
	§
STATE OF DELAWARE,	§ Cr. A. No. IK97-03-0075-05
	§ Cr. ID No. 9701020732
Plaintiff Below,	§
Appellee.	§

Submitted: May 9, 2002
Decided: May 13, 2002

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

ORDER

This 13th day of May 2002, upon consideration of the notice of appeal filed by Michael D. Harris, the notice to show cause issued by the Assistant Clerk, and Harris' response to the notice to show cause, it appears to the Court that:

(1) On April 29, 2002, the Court received Harris' notice of appeal from a Superior Court order dated November 13, 2001. A timely notice of appeal from an order dated November 13, 2001 should have been filed on or before December 13, 2001.

(2) On April 29, 2002, the Assistant Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Harris to show cause why the appeal should not be dismissed for his failure to file a timely notice of appeal. Harris filed a response to the notice to show cause on May 9, 2002. In his response, Harris argues the merits of his appeal, but he does not address the question of his untimely filing of the notice of appeal.

(3) Time is a jurisdictional requirement.¹ 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.² An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements.³ Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁴

(4) There is nothing in the record to reflect that Harris' 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

¹ *Carr v. State*, 554 A.2d 778, 779 (Del.) , cert. denied, 493 U.S. 829 (1989).

² DEL. SUPR. CT. R. 10(a).

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

³ DEL. SUPR. CT. R. 6; *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).