

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |                                |
|--------------------|--------------------------------|
| RONALD G. JOHNSON, | §                              |
|                    | §                              |
| Petitioner Below-  | § No. 254, 2005                |
| Appellant,         | §                              |
|                    | §                              |
| v.                 | § Court Below—Superior Court   |
|                    | § of the State of Delaware,    |
| STATE OF DELAWARE, | § in and for New Castle County |
|                    | § C.A. No. 05M-05-003          |
| Respondent Below-  | §                              |
| Appellee.          | §                              |

Submitted: June 21, 2005  
Decided: July 11, 2005

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

**ORDER**

This 11th day of July 2005, it appears to the Court that:

(1) On June 14, 2005, the Court received appellant Ronald Johnson's notice of appeal from a Superior Court order dated May 9, 2005 denying his petition for a writ of habeas corpus. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 8, 2004.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Johnson to show cause why the appeal should not be

dismissed as untimely filed.<sup>1</sup> Johnson filed a response to the notice to show cause on June 21, 2005. Johnson's response attempts to put the blame for his untimely filing on the Superior Court. According to Johnson, he did not file his appeal immediately after the Superior Court's May 9 ruling because he instead chose to file motions "seeking further help in Superior Court." Johnson states that the Superior Court kept refusing his motions and this caused him to file his appeal in an untimely manner.

(3) We find no merit to Johnson's assertions. Time is a jurisdictional requirement.<sup>2</sup> 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.<sup>3</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> 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.<sup>5</sup>

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<sup>1</sup>Supr. Ct. R. 6(a) (ii).

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

<sup>3</sup>Supr. Ct. R. 10(a).

<sup>4</sup>*Carr v. State*, 554 A.2d at 779.

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

(4) Johnson's choice to file additional motions in the Superior Court does not make his failure to file a timely notice of appeal in this case 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/ Randy J. Holland  
Justice