

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARWIN SAVAGE,	§
	§
Defendant Below-	§ No. 324, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0102021014
Plaintiff Below-	§
Appellee.	§

Submitted: July 26, 2005

Decided: August 4, 2005

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

ORDER

This 4th day of August 2005, it appears to the Court that:

(1) On July 20, 2005, the Court received the appellant's notice of appeal from a Superior Court order dated June 13, 2005 and docketed June 15, 2005. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before July 15, 2005.

(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

¹Del. Supr. Ct. R. 6(a)(ii).

show cause on July 26, 2005. The appellant's contends that he did not receive the Superior Court's order until June 20 and that his notice of appeal was timely filed because it was filed within thirty days after he received it.

(3) We find no merit to the appellant's argument. Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk of this Court within thirty days after the trial court's order is docketed 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 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 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.

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.

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

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