

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN WASHINGTON,

Defendant Below,  
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,  
Appellee.

No. 315, 2002

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

Cr. ID No. 9603000529

Submitted: June 20, 2002

Decided: July 9, 2002

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

***ORDER***

This 9<sup>th</sup> day of July 2002, it appears to the Court that:

(1) On June 4, 2002, the Court received Washington's notice of appeal from a Superior Court order dated April 29, 2002. Pursuant to Supreme Court Rule 6, a timely notice of appeal from a order dated April 29, 2002, should have been filed on or before May 29, 2002.

(2) On June 5, 2002, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Washington to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal. Washington filed a response to the notice to

show cause on June 20, 2002. In his response, Washington concedes that his appeal was filed late, but contends that he did not know an appeal had to be filed within 30 days.

(3) Time is a jurisdictional requirement.<sup>1</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>2</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements.<sup>3</sup> 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.<sup>4</sup>

(4) There is nothing in the record that reflects that Washington'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.

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

<sup>2</sup> SUPR. CT. R. 10(a).

<sup>3</sup> SUPR. CT. R. 6; *Carr v. State*, 554 A.2d at 779.

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

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Justice