

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT E. BREWER,

Defendant Below,  
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,  
Appellee.

No. 643, 2001

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

Cr. ID No. 0004003797

Cr. A. No. VS0007041102

Submitted: January 3, 2002

Decided: January 18, 2002

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

**ORDER**

This 18th day of January 2002, upon consideration of the notice of appeal filed by Robert E. Brewer, Jr., the notice to show cause issued by the Clerk; and the response by Mr. Brewer to the notice to show cause, it appears to the Court that:

(1) On December 20, 2001, the Court received Mr. Brewer's notice of appeal from a Superior Court sentence dated October 22, 2001. A timely notice of appeal from a sentence dated October 22, 2001, should have been filed on or before November 21, 2001.

(2) On December 21, 2001, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing Mr. Brewer to show cause why the appeal should not be dismissed for failure to file a timely notice of appeal. Mr. Brewer filed a response to the notice to show cause on January 3, 2002. Mr. Brewer's response does not address the question of his untimely filing of the notice of appeal.

(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>

(5) There is nothing in the record that reflects that Mr. Gibbs' 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

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

<sup>2</sup> Supr. Ct. R. 10(a).

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/ Myron T. Steele

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Justice

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

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