

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GUANGO F. CORREA,	§
	§ No. 505, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 0205013182
	§
Plaintiff Below-	§
Appellee.	§

Submitted: October 2, 2006  
Decided: November 16, 2006

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

**ORDER**

This 16<sup>th</sup> day of November 2006, it appears to the Court that:

(1) On September 18, 2006, the Court received the appellant's notice of appeal from the Superior Court's July 27, 2006 order finding him in violation of probation ("VOP"). Pursuant to Supreme Court Rule 6, a timely notice of appeal from the July 27, 2006 order, which was docketed in the Superior Court on July 31, 2006, should have been filed on or before August 30, 2006.

(2) On September 18, 2006, 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. On October 2, 2006, the

appellant filed a response and a supplemental response to the notice to show cause. In his responses, the appellant does not address the issue of the untimely filing, and only presents argument and information concerning why he believes he was improperly found to have committed a VOP. Pursuant to Supreme Court Rule 6, a notice of appeal must be filed within 30 days after entry upon the docket of the judgment or order being appealed.

(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 of Supreme Court Rule 6.<sup>3</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>4</sup>

(4) There is nothing in the record before us reflecting that the 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.

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<sup>1</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

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

<sup>3</sup> *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/ Carolyn Berger  
Justice