

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELMER BROWN,	§
	§
Defendant Below-	§ No. 97, 2007
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0508014014
Plaintiff Below-	§
Appellee.	§

Submitted: March 5, 2007
Decided: March 22, 2007

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

ORDER

This 22nd day of March 2007, it appears to the Court that:

(1) On February 23, 2007, the Court received Elmer Brown's notice of appeal from a Superior Court order dated December 19, 2006. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before January 18, 2007.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Brown to show cause why the appeal should not be dismissed as being untimely filed.¹ Brown filed a response to the notice to

¹Del. Supr. Ct. R. 6(a)(ii).

show cause on March 5, 2007. He asserts that he was unaware of the Court's rules and someone in the prison law library had incorrectly informed him that he had 90 days in which to appeal.

(3) Time is a jurisdictional requirement.² 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.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 Brown'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*, 554 A.2d 778, 779 (Del.), cert. denied, 493 U.S. 829(1989).

³Del. Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

⁵*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