

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARL J. HASKINS, JR.,	§
	§ No. 384, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 86012667DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 13, 2007

Decided: August 24, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 24th day of August 2007, it appears to the Court that:

(1) The defendant-appellant, Carl J. Haskins, Jr., filed an appeal from the Superior Court’s June 27, 2007 order denying all of his outstanding motions and ordering the Prothonotary not to docket any more of his pro se petitions for pro se relief in the absence of a specific order of the Superior Court. This Court received Haskins’ notice of appeal on July 31, 2007. A timely notice of appeal from the Superior Court’s June 27, 2007 order should have been filed on or before July 27, 2007.¹

¹ Supr. Ct. R. 6.

(2) On July 31, 2007, the Clerk of the Court sent Haskins a notice to show cause why his appeal should not be dismissed for his failure to file his notice of appeal within 30 days after entry upon the docket of the Superior Court's June 27, 2007 order. On August 13, 2007, Haskins responded to the notice to show cause.

(3) In his response, Haskins states that he delayed mailing his notice of appeal because he was waiting for the Superior Court to rule on his motion for reargument of its June 27, 2007 order. He further states that he believed that, once the notice of appeal was placed in the mail, it would be deemed to have been filed. Finally, Haskins states that, if the Superior Court entertains his motion for reargument, then his appeal is premature.²

(4) Time is a jurisdictional requirement.³ A notice of appeal must be received by the Office of the Clerk of the Court within the applicable time period in order to be effective.⁴ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of

² The Superior Court docket reflects that the Superior Court denied Haskins' motion for reargument on August 16, 2007. The order was docketed on that date. Under Supreme Court Rule 6, Haskins has 30 days from that date in which to file an appeal, assuming that his motion for reargument was timely. *Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (Del. 1969) (Only a timely-filed motion for reargument will suspend the finality of the judgment and toll the time in which to file a notice of appeal in this Court.)

³ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

⁴ Supr. Ct. R. 10(a).

Supreme Court Rule 6.⁵ 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.⁶

(5) There is nothing in the record reflecting that Haskins' failure to file a timely notice of appeal 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, we conclude 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/ Randy J. Holland
Justice

⁵ *Carr v. State*, 554 A.2d at 779.

⁶ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).