

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMOS LOFLAND,	§
	§ No. 541, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 0205007527
	§
Plaintiff Below-	§
Appellee.	§

Submitted: October 18, 2007

Decided: November 6, 2007

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

**ORDER**

This 6<sup>th</sup> day of November 2007, it appears to the Court that:

(1) On October 11, 2007, the Court received the appellant's notice of appeal from the Superior Court's August 14, 2007 order denying his motion for postconviction relief.<sup>1</sup> Pursuant to Supreme Court Rule 6, a timely notice of appeal from the Superior Court's order should have been filed on or before September 14, 2007.

(2) On October 11, 2007, the Clerk of the Court issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause

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<sup>1</sup> The order was docketed on August 15, 2007.

why the appeal should not be dismissed as untimely. The appellant filed his response to the notice on October 18, 2007. The appellant does not explain why his notice of appeal was untimely, but appears to have simply filed his opening brief on appeal. Pursuant to Supreme Court Rule 6(a) (iii), a notice of appeal in any proceeding for postconviction relief 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>2</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>3</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>4</sup> Unless the appellant can demonstrate that the failure to file a timely appeal is attributable to court-related personnel, his appeal cannot be considered.<sup>5</sup>

(4) There is nothing in the record 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

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

<sup>3</sup> Supr. Ct. R. 10(a).

<sup>4</sup> *Carr v. State*, 554 A.2d at 779.

<sup>5</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

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.

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  
Chief Justice