

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PIERRE DE PRISCO,	§
	§ No. 196, 2008
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 91005095DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: April 28, 2008

Decided: May 5, 2008

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

**ORDER**

This 5<sup>th</sup> day of May 2008, it appears to the Court that:

(1) On April 22, 2008, the Court received the appellant's notice of appeal from the Superior Court's March 20, 2008 order, which was docketed on the same date, denying his motion for sentence modification. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the Superior Court's March 20, 2008 order should have been filed on or before April 21, 2008.

(2) On April 22, 2008, 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. The appellant filed his response to the notice to show cause on April 28, 2008. The appellant states

that he did not know of the 30-day deadline for his notice of appeal until he consulted with a prison paralegal. He states that he filled out and sent the notice of appeal prior to the deadline, but it did not reach the Court before the deadline had expired. 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>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 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/ Myron T. Steele  
Chief Justice