

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |                              |
|--------------------|------------------------------|
| ROBERT SCOTT,      | §                            |
|                    | § No. 338, 2026              |
| Defendant Below,   | §                            |
| Appellant,         | § Court Below–Superior Court |
|                    | § of the State of Delaware   |
| v.                 | §                            |
|                    | § Cr. ID No. 2101012508 (K)  |
| STATE OF DELAWARE, | §                            |
|                    | §                            |
| Appellee.          | §                            |

Submitted: August 17, 2026

Decided: August 27, 2026

Before **SEITZ**, Chief Justice; **TRAYNOR** and **LEGROW**, Justices.

**ORDER**

After consideration of the notice to show cause and the appellant’s response, it appears to the Court that:

(1) On July 30, 2026, Robert Scott placed a notice of appeal from the Superior Court’s June 29, 2026 sentencing order in Sussex Correction Institution’s internal mail system. Under Supreme Court Rule 6, the last day for filing a timely notice of appeal was July 29. The Senior Court Clerk therefore issued a notice directing Scott to show cause why this appeal should not be dismissed as untimely filed. In response to the notice to show cause, Scott explains that “complex issues ... arise at times when sending out legal material [from SCI].”

(2) Time is a jurisdictional requirement.<sup>1</sup> Unless the appellant complies with 10 *Del. C.* § 147(b)(1) and Rule 6(a)(iii)(C) or can demonstrate that his failure to file a timely notice of appeal is attributable to court-related personnel, a notice of appeal must be received by the Court within the applicable time period to be effective.<sup>2</sup> An appellant's prisoner *pro se* status does not excuse his failure to comply strictly with the jurisdictional requirements of Rule 6.<sup>3</sup>

(3) Scott does not claim, and the record does not reflect, that he placed the notice of appeal in SCI's internal mail system on or before July 29, the last day for filing an appeal from the Superior Court's June 29 sentencing order. Nor has Scott demonstrated that his untimely filing is attributable to court-related personnel. This appeal must therefore be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal be DISMISSED under Supreme Court Rule 29(b).

BY THE COURT:

/s/ Gary F. Traynor

Justice

---

<sup>1</sup> *Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

<sup>2</sup> *See* 10 *Del. C.* § 147(b)(1); Del. Supr. Ct. R. 6(a)(iii)(C); *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

<sup>3</sup> *Smith v. State*, 47 A.3d 481, 481-82 (Del. 2012) (dismissing a prisoner's *pro se* appeal, filed one day late, as untimely).