

00IN THE SUPREME COURT OF THE STATE OF DELAWARE

LAMONT D. SAVAGE,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 580, 2000

Court Below: Superior Court of
the State of Delaware in and for
Sussex County

Cr. A. No. 97-06-0618

Submitted: December 26, 2000

Decided: January 18, 2001

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices.

ORDER

This 18th day of January 2001, it appears to the Court that:

(1) On December 18, 2000, the Court received the appellant's notice of appeal from a Superior Court Order dated June 2, 2000. Pursuant to Supreme Court Rule 6, a timely notice of appeal from an June 2, 2000, order should have been filed on or before July 3, 2000.

(2) On December 18, 2000, the Assistant Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal from the June 2, 2000, order should not be dismissed for his failure to file a notice of appeal within 30 days after entry upon the docket of the order from which the

appeal is, as required by Supreme Court Rule 6. The appellant filed a response to the notice to show cause on December 26, 2000. Appellant contends in his response that he had informed his public defender of his intention to appeal, but his lawyer did not respond to his request. Appellant implores the Court to inform his public defender of his legal obligation to file an appeal on his behalf.

(3) Time is a jurisdictional requirement. *Carr v. State*, Del. Supr., 554 A.2d 778, 779, *cert. denied*, 493 U.S. 829 (1989). 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. Supr. Ct. R. 10(a). An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6. *Carr v. State*, 554 A.2d at 779. 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 *Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

(4) There is nothing in the record that reflects that 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 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/Joseph T. Walsh
Justice