

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LUIS RIVERA,	§	
	§	
Defendant Below-	§	No. 237, 2017
Appellant,	§	
	§	
v.	§	Court Below—Superior Court
	§	of the State of Delaware
STATE OF DELAWARE,	§	
	§	ID. No. 1102017217 (N)
Plaintiff Below-	§	
Appellee.	§	

Submitted: June 19, 2017

Decided: July 7, 2017

Before VALIHURA, VAUGHN, and SEITZ, Justices.

**ORDER**

This 7<sup>th</sup> day of July 2017, it appears to the Court that:

(1) On June 9, 2017, the Court received the appellant’s notice of appeal from a Superior Court order, dated June 26, 2015, denying the appellant’s motion for postconviction relief. Under Supreme Court Rule 6(a)(iv), a timely notice of appeal should have been filed on or before July 27, 2015.

(2) The Senior Court Clerk issued a notice directing the appellant to show cause why the appeal should not be dismissed as untimely.<sup>1</sup> The appellant filed a

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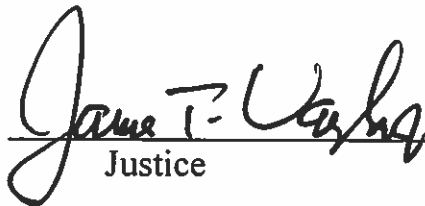
<sup>1</sup>Del. Supr. Ct. R. 29(b) (2017).

response to the notice to show cause on June 19, 2017. The appellant's response fails to offer any explanation why he filed his appeal almost two years too late.

(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 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> The appellant does not assert that his untimely filing is attributable to court personnel. Thus, the appeal must be dismissed for lack of jurisdiction.

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

BY THE COURT:

  
Justice

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

<sup>3</sup>Del. Supr. Ct. R. 10(a) (2017).

<sup>4</sup>*Smith v. State*, 47 A.3d 481, 486-87 (Del. 2012).