

IN THE SUPREME COURT OF THE STATE OF DELAWARE

OSCAR MARTINEZ,	§	
	§	
Defendant Below,	§	No. 255, 2017
Appellant,	§	
	§	
v.	§	Court Below—Superior Court
	§	of the State of Delaware
	§	
STATE OF DELAWARE,	§	ID. No. 0905009708 (N)
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: June 22, 2017

Decided: July 10, 2017

Before VALIHURA, VAUGHN, and SEITZ, Justices.

ORDER

This 10th day of July 2017, having considered the notice to show cause and the appellant's response, it appears to the Court that:

(1) On June 20, 2017, the appellant, Oscar Martinez, filed a notice of appeal from a Superior Court order, docketed on May 15, 2017, denying his requests for review and modification of his sentence. Under Supreme Court Rule 6(a)(iv), a timely notice of appeal should have been filed on or before June 14, 2017. The Senior Court Clerk issued a notice directing Martinez to show cause why this appeal should not be dismissed as untimely filed under Supreme Court Rule 6.

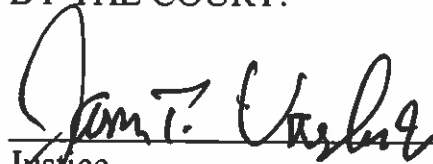
(2) In his response to the notice to show cause, Martinez argues the Court should review his claims in the interests of justice. Time is a jurisdictional

requirement.¹ 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.² An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.³ Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.⁴

(3) The record does not reflect that Martinez's failure to file a timely notice of appeal 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. This appeal must be dismissed.

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

BY THE COURT:


Justice

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Smith v. State*, 47 A.3d 481, 486-87 (Del. 2012).

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).