IN THE SUPREME COURT OF THE STATE OF DELAWARE

DERIOUS J. JOHNSON,	§	
	§	Nos. 458 and 471, 2013[1]
Defendant Below-Appellant,	§	
	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	in and for New Castle County
STATE OF DELAWARE,	§	Cr. ID No. 9709002535
	§	
Plaintiff Below-Appellee.	§	
	§	

Submitted: September 27, 2013
Decided: September 30, 2013

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

O R D E R

This 30th day of September 2013, it appears to the Court that:

(1) On September 9, 2013, the Court received the appellant's notice of appeal from the Superior Court's order denying his motion for postconviction relief, which was dated and docketed on February 27, 2013. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the Superior Court's order should have been filed on or before March 29, 2013.

[1] When the appellant originally filed this appeal, it was docketed as No. 458, 2013. The Clerk subsequently requested the appellant to file an official Form A Notice of Appeal. When the official form was filed, the matter was erroneously re-docketed as No. 471, 2013. We, therefore, hereby consolidate those two appeals for purposes of this final Order.

(2) On September 9, 2013, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed a response to the notice to show cause on September 27, 2013. The appellant states that he sent the notice of appeal to the wrong address and did not receive the letter back from the Post Office until August 1, 2013.

(3) Pursuant to 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. Time is a jurisdictional requirement.[2] 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.[3] An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.[4] Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.[5]

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception

[2] *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).
[3] Supr. Ct. R. 10(a).
[4] *Carr v. State*, 554 A.2d at 779.
[5] *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

to the general rule mandating the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice