

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID JONES,	§
	§ No. 153, 2014
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware,
v.	§ in and for Kent County
	§
STATE OF DELAWARE,	§ Cr. ID 1110001447
	§
Plaintiff Below,	§
Appellee.	§

Submitted: April 7, 2014
Decided: April 15, 2014

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 15th day of April 2014, it appears to the Court that:

(1) On March 24, 2014, the Court received appellant’s notice of appeal from a Superior Court violation of probation sentencing order entered on February 7, 2014. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before March 10, 2014.

(2) The Senior Court Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed as untimely filed.¹ Appellant filed a response to the notice to show cause on April 7, 2014. He asserts that he was housed in the pretrial

¹ DEL. SUPR. CT. R. 6(a)(ii) (2014).

detention unit of the prison after he was sentenced and did not have physical access to the prison law library. Once he was moved out of the pretrial detention unit, appellant contends that he requested an appointment with the law library and explained that his notice of appeal was due by March 9.² He was not given an appointment until after the deadline had passed. He contends that he could not file the appeal without getting assistance from the law library; therefore, he asks that the Court excuse his untimely filing and allow his appeal to proceed.

(3) Time is a jurisdictional requirement.³ 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.⁴ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁵ 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.⁶

² March 9, 2014 was a Sunday. Thus, the notice of appeal actually was not due until March 10.

³ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989), *cert. denied*, 493 U.S. 829 (1989).

⁴ DEL. SUPR. CT. R. 10(a).

⁵ *Smith v. State*, 47 A.3d 481, 486-87 (Del. 2012).

⁶ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

(4) Prison personnel are not court-related personnel. Consequently, even assuming prison personnel contributed to the delay in appellant's filing, 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/ Jack B. Jacobs
Justice