IN THE SUPREME COURT OF THE STATE OF DELAWARE

GRAYLING R. DAVIS,	§	
	§	No. 46, 2013
Plaintiff Below,	§	
Appellant,	§	
	§	
v.	§	Court Below—Court of Chancery
	§	of the State of Delaware
THE ESTATE OF MARY S. PERRY	§	
(a/k/a Mary E. Perry, Mary Shockley,	§	
Reba Davis, Mary Monroe),	§	C.A. No. 2419
WILLIAM SMITH, and MARVIN	§	
SMITH,	§	
	§	
Defendants Below,	§	
Appellees.	§	

Submitted: March 4, 2013
Decided: March 13, 2013

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

O R D E R

This 13th day of March 2013, upon consideration of the appellant's motion for reargument, it appears to the Court that:

(1) On February 5, 2013, the Senior Court Clerk issued a notice to the appellant to show cause why this appeal should not be dismissed for failure to file his notice of appeal in a timely manner. The appellant failed to respond within the required ten-day period, and the Court dismissed his appeal as unopposed on February 20, 2013. That same day, prior to the docketing of the Court's Order, the

appellant apparently called the Clerk's office and indicated that he had not received the notice to show cause, which was then resent to him.

(2) The appellant has filed a motion for reargument of the Court's February 20, 2013 Order of dismissal as well as a response to the notice to show cause. In his response, the appellant contends that his notice of appeal was untimely because of a miscommunication that had occurred with the person whom he had hired to type his notice of appeal. His notice of appeal was due on or before February 1, 2013. The appellant asserts that he contacted the Clerk's office on February 1, 2013 when he realized his typist's error. He indicated his intent to fax his notice of appeal and was informed that the Court would not accept a faxed document for filing. The notice of appeal was not received in the mail until February 4, 2013.

(3) Pursuant to Supreme Court Rules 10 and 12, filings with the Court may only be received in person, by mail, or through the Court's electronic filing service, because every filing must contain an original signature.[1] A notice of appeal filed by mail must be received by the Office of the Clerk of this Court within the 30-day limitations period in order to be considered timely.[2] This 30-day appeals period is a jurisdictional requirement.[3] An appellant's *pro se* status does

---

[1] DEL. SUPR. CT. R. 10(a), 12(a)(ii) (2013).

[2] DEL. SUPR. CT. R. 6(a)(i), 10(a) (2013).

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

not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.[4] The time for taking an appeal may not be enlarged.[5] Because the appellant cannot demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.[6]

NOW, THEREFORE, IT IS HEREBY ORDERED that the appellant's motion for reargument is GRANTED. Pursuant to Supreme Court Rule 29(b), the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

---

[4] *Id*. at 779-80.

[5] DEL. SUPR. CT. R. 11(b).

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