

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RASHAN FULLER,	§
	§ No. 676, 2012
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID Nos. 1201016444
	§ 1110014613
Plaintiff Below-	§
Appellee.	§

Submitted: January 17, 2013

Decided: January 28, 2013

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 28th day of January 2013, it appears to the Court that:

(1) On December 31, 2012, the Court received the appellant's notice of appeal from the Superior Court's November 20, 2012 sentencing order. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the November 20, 2012 order should have been filed on or before December 20, 2012.

(2) On January 2, 2013, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why his appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on January 17, 2013. The appellant states that his notice of

appeal was late because, as a maximum security inmate, he does not have adequate access to the law library.

(3) Pursuant to Rule 6(a) (ii), a notice of appeal must be filed within 30 days of the date that sentence is imposed. Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk 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 Rule 6.³ 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.⁴

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal in this case 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. Thus, the Court concludes that this appeal must be dismissed.

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

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

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

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

BY THE COURT:

/s/ Carolyn Berger
Justice