IN THE SUPREME COURT OF THE STATE OF DELAWARE

TYRONE A. MILES,	§	
	§	No. 19, 2013
Defendant Below-Appellant,	§	
	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	in and for Kent County
STATE OF DELAWARE,	§	Cr. ID No. 0709015392A
	§	
Plaintiff Below-Appellee.	§	
	§	

Submitted: January 22, 2013
Decided: January 28, 2013

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

O R D E R

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

(1) On January 14, 2013, the Court received the appellant's notice of appeal from the Superior Court's December 12, 2012 order denying his motion for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the December 12, 2012 order should have been filed on or before January 11, 2013.

(2) On January 14, 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 22, 2013. The appellant states that he did not receive

the order until December 14, 2012 and he believed the courts were closed from December 24, 2012 to January 2, 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.[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.

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[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 must be dismissed.

BY THE COURT:

/s/ Carolyn Berger
Justice