

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JESSICA L. BUNTING,¹

Petitioner Below-
Appellant,

v.

ERIC J. BUNTING,

Respondent Below-
Appellee.

§

§ No. 448, 2013

§

§

§ Court Below—Family Court

§ of the State of Delaware

§ in and for New Castle County

§ File No. CN12-03440

§ Petition No. 12-17247

§

§

Submitted: September 6, 2013

Decided: September 20, 2013

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

ORDER

This 20th day of September 2013, it appears to the Court that:

(1) On August 26, 2013, the Court received the appellant's notice of appeal from the Family Court's order, dated and docketed on June 28, 2013, which decided the ancillary matters of property division, counsel fees and court costs. Pursuant to Supreme Court Rule 6, a timely appeal from the Family Court's order should have been filed on or before July 29, 2013.

(2) On August 27, 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

¹ The Court *sua sponte* assigned pseudonyms to the parties by Order dated August 27, 2013. Supr. Ct. R. 7(d).

untimely filed. The appellant filed her response to the notice to show cause on September 6, 2013. The appellant states that she has had a number of personal problems over the past several months, which explains why she was not able to file her appeal in a timely manner.

(3) Pursuant to Rule 6(a) (iii), a notice of appeal 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 Clerk of the 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 or her 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 to the general rule mandating the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

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).

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice