

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANIEL T. YEAGER, <sup>1</sup>	§
	§ No. 227, 2021
Petitioner/Respondent Below,	§
Appellant,	§ Court Below—Family Court of
	§ the State of Delaware
v.	§
	§ File No. CK10-02177
TIANA D. FISHER,	§ Petition Nos. 20-20684, 20-25638,
	§ 20-27061, 21-00055, 21-01604,
Respondent/Petitioner Below,	§ 20-26029, 20-23713, and 20-18874
Appellee.	§

Submitted: July 30, 2021

Decided: August 12, 2021

Before **SEITZ**, Chief Justice; **VAUGHN** and **MONTGOMERY-REEVES**, Justices.

**ORDER**

Upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) On July 19, 2021, the appellant, Daniel T. Yeager, filed a notice of appeal from Family Court orders dated and docketed on June 9, 2021. A timely notice of appeal was due in this Court by July 9, 2021.<sup>2</sup> The Senior Court Clerk issued a notice directing Yeager to show cause why this appeal should not be dismissed as untimely filed. In his response to the notice to show cause, Yeager,

---

<sup>1</sup> The Court assigns pseudonyms to the parties under Supreme Court Rule 7(d).

<sup>2</sup> Supr. Ct. R. 6(a)(i).

who is incarcerated, states that the prison was on lockdown at the time he was scheduled to see the notary and still is not fully open.

(2) Time is a jurisdictional requirement.<sup>3</sup> A notice of appeal must be received by the Court within the applicable time period in order to be effective.<sup>4</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements.<sup>5</sup> Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.<sup>6</sup>

(3) Yeager has not demonstrated that his failure to file a timely notice of appeal is attributable to court-related personnel.<sup>7</sup> Department of Correction personnel are not court-related personnel.<sup>8</sup> Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. The appeal must be dismissed.

---

<sup>3</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>4</sup> Supr. Ct. R. 10(a).

<sup>5</sup> *Ward v. Taylor*, 2019 WL 4784943, at \*1 (Del. Sept. 30, 2019); *Smith v. State*, 47 A.3d 481, 486-87 (Del. 2012).

<sup>6</sup> *Ward*, 2019 WL 4784943, at \*1; *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

<sup>7</sup> *See, e.g., Bissoon v. State*, 2017 WL 4111332, at \*1 (Del. Sept. 15, 2017) (dismissing untimely appeal in which the appellant asserted that the prison law library did not timely respond to his requests for copying and notarization); *Schafferman v. State*, 2016 WL 5929953, at \*1 (Del. Oct. 11, 2016) (dismissing untimely appeal in which the appellant argued that prison personnel prevented him from filing a timely notice of appeal). *See also Tuohy v. State*, 2019 WL 6606356, at \*1 (Del. Dec. 4, 2019) (dismissing untimely appeal in which the appellant contended that he could not access the law library to prepare his notice of appeal because the prison was on institutional lockdown).

<sup>8</sup> *Bissoon*, 2017 WL 2017 WL 4111332, at \*1.

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

BY THE COURT:

/s/ Tamika R. Montgomery-Reeves  
Justice