

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEMARIUS BRADLEY,	§
	§
Defendant Below,	§ No. 143, 2024
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 2204007572 (N)
	§
Appellee.	§

Submitted: May 1, 2024
Decided: May 24, 2024

Before **TRAYNOR, LEGROW, and GRIFFITHS**, Justices.

ORDER

After consideration of the notice to show cause and the responses, it appears to the Court that:

(1) On April 4, 2024, the appellant, Demarius Bradley, filed a letter deemed to be a notice of appeal of a Superior Court order, dated February 2, 2024 and docketed on February 5, 2024, denying his motion for sentence reduction. Under Supreme Court Rule 6(a)(iv), a timely notice of appeal should have been filed by March 6, 2024.

(2) The Senior Court Clerk issued a notice directing Bradley to show cause why this appeal should not be dismissed as untimely filed. In his response to the notice to show cause, he states that he did not know how to file a motion for sentence

reduction or to appeal the denial of that motion. He also contends that he was transferred to a different prison and had limited access to the prison law library, which impeded his legal research. The State argues that Bradley has not shown that his failure to file a timely appeal is attributable to court-related personnel.

(3) Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk of this Court 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 Supreme Court Rule 6.³ 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.⁴

(4) Bradley has not shown that his failure to file a timely notice of appeal is attributable to court-related personnel.⁵ Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal, and this appeal must be dismissed.

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

² Supr. Ct. R. 10(a).

³ *Carr*, 554 A.2d at 779.

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

⁵ *See, e.g., Parker v. State*, 263 A.3d 126, 2021 WL 4495821, at *1 (Del. Sept. 30, 2021) (TABLE) (dismissing untimely appeal where the appellant averred that his appeal was late because he lacked education regarding the law and COVID-19 restrictions interfered with his access to the prison law library); *Scruggs v. State*, 185 A.3d 962, 2018 WL 2058187, at *1 (Del. May 1, 2018) (TABLE) (dismissing appeal where the appellant argued that his appeal was untimely because he lacked legal knowledge, his illiteracy made it difficult to request materials from the prison law library through correspondence, and his prison unit had changed).

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

BY THE COURT:

/s/ Abigail M. LeGrow
Justice