

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTHONY GORDON,	§
	§ No. 207, 2021
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§
Plaintiff Below,	§ Cr. ID No. 1109011777 (N)
Appellee.	§

Submitted: July 19, 2021

Decided: July 26, 2021

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

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

(1) On June 28, 2021, the appellant, Anthony Gordon, filed a notice of appeal from the Superior Court's May 17, 2021 order denying his motion for reargument and correction of illegal sentence. Under Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 16, 2021.

(2) On June 29, 2021, the Senior Court Clerk issued a notice directing Gordon to show cause why his appeal should not be dismissed as untimely filed. In his response to the notice to show cause, Gordon alleges that he failed to file a timely

notice of appeal due to delays at the prison law library and because prison staff inadvertently threw out his legal paperwork.

(3) Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Court within the applicable time period to be effective.² An appellant's prisoner *pro se* status does not excuse his failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.³ Unless an appellant can demonstrate that his failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.⁴

(4) There is nothing in the record that reflects that Gordon'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, and this appeal must be dismissed.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice

¹ *Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

² Del. Supr. Ct. R. 10(a).

³ *See Smith v. State*, 47 A.3d 481 (Del. 2012).

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