

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVON GORDON,	§
	§ No. 426, 2024
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 2201000032 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§

Submitted: October 24, 2024  
Decided: November 6, 2024

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

**ORDER**

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

(1) On September 27, 2024, the appellant, Davon Gordon, filed a letter deemed to be a notice of appeal from a May 1, 2023 Superior Court sentencing order. Under Supreme Court Rule 6, a timely notice of appeal was due on or before May 31, 2023.<sup>1</sup>

(2) 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

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<sup>1</sup> Del. Supr. Ct. R. 6(a)(iii).

notice to show cause, Gordon states that he “forgot to add the appeal number” for his May 1, 2023 sentencing order to his appeal paperwork in Appeal No. 225, 2024 and Appeal No. 312, 2024. These now-consolidated appeals relate back to a timely filed appeal taken from a Superior Court May 17, 2024 violation-of-probation sentencing order. Gordon does not explain why he did not file a timely notice of appeal from the court’s May 1, 2023 sentencing order. Even if Gordon had listed the May 1, 2023 sentencing order in his appeals from the May 17, 2024 violation-of-probation sentence, that attempted appeal would not have been timely.

(3) Time is a jurisdictional requirement.<sup>2</sup> A notice of appeal must be received by the Court within the applicable time period to be effective.<sup>3</sup> An appellant’s *pro se* status does not excuse his failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> 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.<sup>5</sup>

(4) Gordon does not claim, and the record does not reflect, that his 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

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

<sup>3</sup> Del. Supr. Ct. R. 10(a).

<sup>4</sup> *See Smith v. State*, 47 A.3d 481 (Del. 2012).

<sup>5</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

mandates the timely filing of a notice of appeal, and this appeal must therefore be dismissed.

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

BY THE COURT:

/s/ Abigail M. LeGrow

Justice