

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                     |                              |
|---------------------|------------------------------|
| JONATHAN K. MURRAY, | §                            |
|                     | §                            |
| Defendant Below,    | § No. 337, 2025              |
| Appellant,          | §                            |
|                     | § Court Below—Superior Court |
| v.                  | § of the State of Delaware   |
|                     | §                            |
| STATE OF DELAWARE,  | § Cr. ID No. 30700321 (N)    |
|                     | §                            |
| Appellee.           | §                            |

Submitted: September 23, 2025

Decided: October 7, 2025

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, Justices.

**ORDER**

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

(1) On July 31, 2025, Jonathan K. Murray filed a notice of appeal from a Superior Court order, dated June 18, 2025 and docketed on June 20, 2025, denying his motion for correction of illegal sentence. Under Supreme Court Rules 6(a)(iii) and 11(a), a timely notice of appeal was due by July 21, 2025.

(2) The Senior Court Clerk issued a notice directing Murray to show cause why this appeal should not be dismissed as untimely filed. In his response to the notice to show cause, Murray states that he gave the notice of appeal to the prison

mailroom within thirty days of his receipt of the Superior Court order on June 23, 2025.

(3) In light of recent amendments to 10 *Del. C.* § 147 and Supreme Court Rule 6, which establish circumstances in which appeals filed by self-represented inmates will be deemed timely filed even if not received in the Clerk's office by the last day of the thirty-day appeal period, the Court directed the State to respond.<sup>1</sup> The State has provided a copy of Murray's prison mail log, which shows that Murray sent legal mail to this Court on July 22, 2025. The State asserts that because Murray did not place the notice of appeal in the prison mail system on or before the last day for filing, the appeal is not timely.

(4) The appellate jurisdiction of this Court rests upon perfecting an appeal within the applicable time period.<sup>2</sup> Unless the appellant satisfies 10 *Del. C.* § 147(b)(1) and Rule 6(a)(iii)(C) or can demonstrate that his failure to file a timely

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<sup>1</sup> See 10 *Del. C.* § 147(b)(1) (effective May 22, 2025) (providing that an appeal filed by a self-represented inmate who is confined in a correctional institution is timely filed if: (i) the inmate's notice of appeal is placed in the institution's internal mail system on or before the last day for filing; (ii) the first-class postage is prepaid; and (iii) the notice of appeal is accompanied by a receipt from the institution's staff verifying the date and time the notice of appeal was placed in the institution's internal mail system); Del. Supr. Ct. R. 6(a)(iii)(C) (as amended July 14, 2025) (similar). Section 147 also requires prison staff to give the inmate a receipt identifying the staff member who received the inmate's notice of appeal, the date and time the notice of appeal was placed in the institution's internal mail system, and the case number. 10 *Del. C.* § 147(b)(2).

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

notice of appeal is attributable to court-related personnel, a notice of appeal must be received by the Court within the applicable time period to be effective.<sup>3</sup>

(5) Murray does not contend, nor do prison records reflect, that he placed the notice of appeal in the prison's internal mail system on or before July 21, 2025, the last day for filing an appeal from the Superior Court's order.<sup>4</sup> Nor has he demonstrated that the untimely filing is attributable to court-related personnel. The appeal therefore must be dismissed.

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

BY THE COURT:

/s/ N. Christopher Griffiths  
Justice

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<sup>3</sup> See Del. Supr. Ct. R. 10(a) ("Filing by mail in the office of the Clerk of the Court in Dover is permissible, provided that filing shall not be deemed to be complete until the paper has been received in the office of the Clerk."); see also R. 11(b) ("The time for taking an appeal or cross-appeal shall not be enlarged."); *Bey v. State*, 402 A.2d 362, 363 (Del. 1979) (holding that untimely appeal could be considered because untimeliness was attributable to court-related personnel); *Jackson v. State*, 2000 WL 1508639, at \*1 (Del. Sept. 1, 2000) (recognizing that time to appeal ran from docketing of postconviction order not the appellant's receipt of the order).

<sup>4</sup> Del. Supr. Ct. R. 6 (a)(iii)(C), 11(a).