

IN THE SUPREME COURT OF THE STATE OF DELAWARE

QUENTIN JONES,	§
	§
Defendant Below,	§ No. 227, 2022
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. I.D. No. 1502002252 (S)
	§
Appellee.	§

Submitted: July 11, 2022

Decided: July 25, 2022

Before **VAUGHN, TRAYNOR, and MONTGOMERY-REEVES**, Justices.

ORDER

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

(1) On June 30, 2022, the appellant, Quentin Jones, filed this appeal from a Superior Court order dated May 18, 2022, and docketed on May 19, 2022, that granted Jones's motion to amend his first motion for postconviction relief, which the court had recently denied, and denied the motion for postconviction relief. Under Supreme Court Rules 6 and 11, a timely notice of appeal should have been filed on or before June 21, 2022.

(2) The Senior Court Clerk issued a notice directing Jones to show cause why this appeal should not be dismissed as untimely filed. In response to the notice

to show cause, Jones argues that the untimeliness of his appeal is attributable to the attorney who represented Jones in connection with a motion to withdraw his no-contest pleas, sentencing, and the appeal to this Court from those proceedings.¹

(3) A notice of appeal must be timely filed to invoke the Court’s appellate jurisdiction.² A notice of appeal must be received by the Court within the applicable time period to be effective.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 Jones does not contend that the untimeliness of this appeal is attributable to court-related personnel.

(4) Jones’s attempt to place responsibility on his former counsel is unavailing. As an initial matter, the “jurisdictional defect created by the untimely filing of a notice of appeal cannot be excused in the absence of unusual circumstances which are not attributable to the appellant or the appellant’s attorney.”⁵ Moreover, the delay in this case is not attributable to Jones’s counsel. Jones filed his motion for postconviction relief on May 2, 2022; he filed his motion to amend the motion for postconviction relief on May 13, 2022. Jones attached to his response to the notice to show cause a letter from his former counsel dated April

¹ For additional background, see *Jones v. State*, 2022 WL 1134744 (Del. Apr. 18, 2022).

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

³ DEL. SUPR. CT. R. 10(a).

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

⁵ *Dixon v. State*, 2019 WL 6769679, at *1 (Del. Dec. 11, 2019) (internal quotations omitted).

29, 2022—that is, before Jones even filed his initial motion for postconviction relief—in which counsel made clear that he no longer represented Jones. Jones also attached another letter from his former counsel dated June 13, 2022—before the deadline for filing the appeal—in which counsel again made clear that he no longer represented Jones. Jones filed a motion for postconviction relief on his own behalf, and he was responsible for filing a timely notice of appeal.⁶

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

BY THE COURT:

/s/ Gary F. Traynor
Justice

⁶ See *Jackson v. State*, 2022 WL 2154418, at *1 (Del. June 14, 2022) (“An appellant’s *pro se*, incarcerated status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.”).