

SUPREME COURT OF THE STATE OF DELAWARE

Turner v. State

No. 166, 2026 (Del. May 19, 2026) · No. No. 166, 2026 · Decided May 19, 2026

SUMMARY

The Delaware Supreme Court dismissed Javon Turner's appeal from the denial of his motion for postconviction relief. The appeal was untimely, and Turner did not respond to the court's notice to show cause.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	May 19, 2026
DOCKET	No. 166, 2026
DISPOSITION	dismissed
PROCEDURAL POSTURE	Turner appealed the Superior Court's denial of his motion for postconviction relief. The Delaware Supreme Court dismissed the appeal as untimely after Turner failed to respond to a show-cause notice.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; no reporter citation appears in the source.
PARTIES	Javon Turner v. State of Delaware

TOPICS

- appellate procedure
- appellate jurisdiction
- post-conviction relief
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed as untimely when the notice of appeal was filed after the applicable deadline and the appellant failed to respond to a show-cause notice.

HOLDINGS

1. The appeal must be dismissed because Turner filed his notice of appeal after the applicable deadline and did not oppose dismissal after receiving the show-cause notice.

KEY QUOTATIONS

“Dismissal of the appeal is therefore deemed to be unopposed.” (2)

“NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal is DISMISSED under Supreme Court Rules 3(b)(2) and 29(b).” (2)

FACTUAL BACKGROUND

The Superior Court denied Turner's motion for postconviction relief on an order docketed January 13, 2026. Turner filed his notice of appeal on April 23, 2026, after the February 12 deadline. He did not respond to the Supreme Court's certified notice directing him to show cause why the untimely appeal should not be dismissed.

PROCEDURAL HISTORY

The Superior Court denied Turner's motion for postconviction relief in an order docketed January 13, 2026. Turner filed a notice of appeal on April 23, 2026, although the notice was due by February 12, 2026. After receiving a certified show-cause notice, Turner failed to respond by the May 7 deadline, and the Supreme Court dismissed the appeal as unopposed.

DISPOSITION

dismissed

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE JAVON TURNER, § § No. 166, 2026 Defendant Below, § Appellant, § Court Below–Superior Court § of the State of Delaware v. § § Cr. ID No. 2310008139 (N) STATE OF DELAWARE, § § Appellee. § Submitted: May 8, 2026 Decided: May 19, 2026 ORDER On April 23, 2026, the appellant, Javon Turner, filed a notice of appeal from the Superior Court’s order, docketed January 13, 2026, denying his motion for postconviction relief.

A timely notice of appeal was due on or before February 12, 2026.¹ The Senior Court Clerk issued a notice by certified mail directing Turner to show cause why his appeal should not be dismissed as untimely filed. Turner received the notice on April 27. A timely response to the notice to show cause was due on or before May 7.

To date, Turner has not responded to the notice to show cause. Dismissal of the appeal is therefore deemed to be unopposed. 1 Del. Supr. Ct. R. 6(a)(iii)(B). NOW, THEREFORE, IT IS HEREBY

ORDERED that the appeal is DISMISSED under Supreme Court Rules 3(b)(2) and 29(b). BY
THE COURT: /s/ Abigail M. LeGrow Justice 2

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-the-state-of-delaware-supreme-court-of-the-state-of-delaware/2026/turner-v-state-0oht7aww>