

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ERIC LEFORT,	§
	§
Defendant Below,	§ No. 409, 2022
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. K2103013878
	§
Appellee.	§

Submitted: January 4, 2023
Decided: January 18, 2023

ORDER

(1) On October 31, 2022, the appellant filed a document indicating that he wanted to appeal, which the Senior Court Clerk deemed to be a notice of appeal from a Superior Court violation of probation sentence order dated October 7, 2022. The Senior Court Clerk sent the appellant letters directing him to complete and sign an official Form A notice of appeal by November 15, 2022, and to pay the filing fee or to file a motion and affidavit to proceed *in forma pauperis* by the same date. On November 23, 2022, the Chief Deputy Clerk sent another letter directing the appellant to file an official Form A notice of appeal and to either file a motion and affidavit to proceed *in forma pauperis* or pay the filing fee, all by December 8, 2022, or a notice to show cause would issue.

(2) On December 20, 2022, the Chief Deputy Clerk issued a notice, by certified mail, directing the appellant to show cause why the Court should not dismiss the appeal for the appellant's failure to diligently prosecute the appeal by filing the Form A notice of appeal and either paying the Supreme Court filing fee or filing a motion to proceed *in forma pauperis*. The notice to show cause directed the appellant to respond within ten days and advised that if the appellant did not respond, dismissal of the appeal would be deemed to be unopposed. On December 27, 2022, the Court received the certified-mail receipt indicating that the notice had been delivered on December 22, 2022.

(3) The appellant having failed to respond to the notice to show cause within the required ten-day period, dismissal of this action is deemed to be unopposed.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice