

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KWAMEY SANCHEZ,	§	
	§	
Defendant Below,	§	No. 137, 2024
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware
	§	
STATE OF DELAWARE,	§	Cr. ID Nos. N1903002433 &
	§	N2104016130
Appellee.	§	

Submitted: June 12, 2024

Decided: June 18, 2024

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

**ORDER**

(1) The appellant filed this appeal from a Superior Court order sentencing him for a violation of probation. The Senior Court Clerk sent the appellant a letter directing him to pay the filing fee or to file a motion and affidavit to proceed *in forma pauperis* by April 17, 2024, and enclosed the *in forma pauperis* form. On April 19, 2024, the Chief Deputy Clerk sent another letter directing the appellant to either file a motion and affidavit to proceed *in forma pauperis* or pay the filing fee by May 3, 2024, or a notice to show cause would issue. The Chief Deputy Clerk again enclosed the applicable form.

(2) On May 9, 2024, the Chief Deputy Clerk issued a notice, sent 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 either paying the Supreme Court filing fee or moving to proceed *in forma pauperis*. In response, the appellant sent a letter apologizing for failing to pay the filing fee and stating that he was seeking to appeal his sentence; he did not address the option of moving to proceed without paying the fee. On May 30, 2024, the Senior Court Clerk sent the appellant a letter that held the notice to show cause in abeyance and gave the appellant another opportunity to either pay the fee or seek to proceed without paying the fee and once again enclosed the appropriate form. That letter informed the appellant that if he did not pay the fee or file the motion by June 12, 2024, the appeal would be dismissed without further notice. Because the appellant has not paid the filing fee or moved to proceed *in forma pauperis*, the appeal must be dismissed.<sup>1</sup>

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

BY THE COURT:

/s/ N. Christopher Griffiths  
Justice

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<sup>1</sup> See *Owens v. State*, 2018 WL 1747790, at \*1 (Del. Apr. 10, 2018) (ORDER) (“In his response to the notice to show cause, Owens describes the delays in his filing of a motion to proceed *in forma pauperis* and states that he still would like to proceed with filing a motion to proceed *in forma pauperis*. Owens did not include a motion to proceed *in forma pauperis* with his [response to the] notice to show cause and still has not filed one. In light of Owens’ failure to pay the filing fee or file a motion to proceed *in forma pauperis*, this appeal must be dismissed.”).