

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BLAKE SMITH,	§
	§
Defendant Below,	§ No. 161, 2024
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 2307016090 (N)
	§
Appellee.	§

Submitted: June 14, 2024

Decided: July 1, 2024

**ORDER**

(1) On April 18, 2024, the appellant filed this appeal from a Superior Court order denying a motion for sentence modification. 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 May 7, 2024. On May 9, 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 23, 2024, or a notice to show cause would issue.

(2) On May 29, 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 either pay the Supreme Court filing fee or file a motion to proceed *in forma pauperis* as directed in the earlier letters.

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 June 3, 2024, the Court received the certified-mail receipt indicating that the notice had been delivered.

(3) The appellant having failed to respond to the notice to show cause within the required ten-day period,<sup>1</sup> 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/ N. Christopher Griffiths  
Justice

---

<sup>1</sup> The Court notes that the appellant also has not filed an opening brief, which was due June 7, 2024.