

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF AUGUSTUS               § No. 90, 2016  
HEBREW EVANS, JR. FOR A WRIT    §  
OF MANDAMUS                         §

Submitted: March 11, 2016  
Decided:    March 23, 2016

Before **HOLLAND, VALIHURA**, and **SEITZ**, Justices.

**ORDER**

This 23<sup>rd</sup> day of March 2016, upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Augustus Hebrew Evans, Jr., was convicted of Assault in the Second Degree and other related offenses in 2007. Evans' convictions were affirmed on direct appeal.<sup>1</sup> In 2015, following his appeal from the Superior Court's denial of his request for leave to file a sixth motion for postconviction relief under Superior Court Criminal Rule 61, this Court concluded that Evans' untimely, repetitive, and frivolous filings constituted an abuse of the judicial process.<sup>2</sup> We directed the Clerk to refuse any future filing from Evans related to his criminal convictions and sentences unless the filing was accompanied by the

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<sup>1</sup> *Evans v. State*, 2009 WL 367728 (Del. Feb. 13, 2009).

<sup>2</sup> *Evans v. State*, 2015 WL 7758307, at \*2 (Del. Dec. 1, 2015).

required filing fee or a motion to proceed *in forma pauperis* in compliance with 10 *Del. C.* § 8803 and that motion was granted by the Court.<sup>3</sup>

(2) On February 26, 2016, Evans filed a petition for a writ of mandamus that sought relief from his criminal convictions. The Senior Court Clerk issued a notice directing Evans to show cause why his appeal should not be dismissed for his failure to pay the required filing fee or a motion to proceed *in forma pauperis* in compliance with 10 *Del. C.* § 8803 as required by this Court's December 1, 2015 order.

(3) In his response to the notice show cause, Evans argues the merits of his claims. Evans has not paid the required filing fee or a motion to proceed *in forma pauperis* in compliance with 10 *Del. C.* § 8803 as required by this Court's December 1, 2015 order. Evans' petition for a writ of mandamus is therefore not approved for filing and must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of mandamus is STRICKEN and this matter is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura  
Justice

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<sup>3</sup> *Id.*