

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER R. DESMOND,	§
	§
Defendant Below,	§ No. 573, 2018
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 91009844DI (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: January 9, 2019
Decided: February 8, 2019
Corrected: February 12, 2019

Before **STRINE**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

After consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) On November 13, 2018, the appellant, Christopher R. Desmond, filed a notice of appeal from the Superior Court's denial of his motion for reduction/modification of sentence. Based on his filing of a number of unsuccessful motions and petitions challenging his 1992 convictions, this Court previously directed the Clerk of the Court to refuse any filings from Desmond unless the filing was accompanied by the required filing fee or a completed motion to proceed *in forma pauperis* with a sworn affidavit containing the certifications required by 10

Del. C. § 8803(e) and that motion was granted by the Court.¹ Desmond filed an incomplete and un-notarized motion to proceed *in forma pauperis* with his notice of appeal.

(2) The Senior Court Clerk directed Desmond to provide a completed and notarized motion by November 29, 2018. Desmond failed to do so. On December 31, 2018, the Senior Court Clerk directed Desmond to show cause why this appeal should not be dismissed for his failure to file a completed and notarized motion to proceed *in forma pauperis* as directed. On January 9, 2019, Desmond filed his response to the notice to show cause.

(3) Although it is not entirely clear, Desmond seems to argue that members of the Court have been found to be appointed unconstitutionally. Desmond does not address his failure to file a completed and notarized motion to proceed *in forma pauperis* as directed by the Court. Nor has he paid the filing fee. Under these circumstances, this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.

BY THE COURT:

/s/ Leo E. Strine, Jr. _____

Chief Justice

¹ *Desmond v. Biden*, 2015 WL 631582, at *3 (Del. Feb. 11, 2015).