

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DAMIAN THOMAS
Petitioner

v.

STATE OF DELAWARE
Respondent

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Pursuant to Rule 39 of the Rules of the Supreme Court, Damian Thomas requests leave to file the attached Petition for Writ of Certiorari without prepayment of costs and further requests to proceed *in forma pauperis*. Mr. Thomas has been found to be indigent and was appointed Counsel pursuant to 29 Del. C. § 4605 by the Superior Court of the State of Delaware. Throughout Mr. Thomas's case and direct appeal he has not been required to pay any filing fees or costs due to the Superior Court's finding of indigence. Mr. Thomas continues to be indigent and unable to earn monies to provide for private counsel or to pay filing fees or costs due to his current sentence of incarceration.

Attached as Exhibit A to this Motion for Leave to Proceed *in Forma Pauperis* is a copy of a December 8, 2022 letter from Stephanie J. Volturo, Esquire, Chief Conflicts Counsel of the Office of Conflicts Counsel of the State of Delaware, confirming that, due to Mr. Thomas' indigency, the State of Delaware, via the State of Delaware's Office of Defense Services, has appointed both Christopher S. Koyste, Esquire and Megan E. Venerick-Giffin, Esquire, to represent Mr. Thomas in the United States Supreme Court's certiorari review of the judgment entered in Delaware Superior Court case number N1505012411 and on appeal in Delaware Supreme Court case number 392, 2021.

WHEREFORE, it is requested that the Motion for Leave to Proceed *In Forma Pauperis* be GRANTED.

Date: December 28, 2022

Respectfully submitted,

Megan E. Venerick-Giffin

Megan E. Venerick-Giffin, Esq. (#316056)
Law Office of Christopher S. Koyste, LLC
709 Brandywine Boulevard
Wilmington, Delaware 19809
(302) 762-5195
Counsel of Record for Petitioner
Damian Thomas

Christopher S. Koyste, Esq. (#3017)
Law Office of Christopher S. Koyste, LLC
709 Brandywine Boulevard
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(302) 762-5195

Exhibit A



OFFICE OF CONFLICTS COUNSEL OF THE STATE OF DELAWARE
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SUITE 320
WILMINGTON, DELAWARE 19801

STEPHANIE J. VOLTURO
CHIEF CONFLICTS COUNSEL

TELEPHONE
(302) 468-5075

December 8, 2022

Christopher S. Koyste, Esquire
Megan Venerick-Giffin, Esquire
The Law Office of Christopher S. Koyste, LLC
709 Brandywine Boulevard
Wilmington, DE 19809

Re: State of Delaware v. Damian Thomas
ID No. N1505012411 and Case No. 392,2021

Dear Mr. Koyste and Ms. Venerick-Giffin:

I am writing to summarize previous correspondence and to update the record in relation to who is appointed by the State of Delaware Office of Defense Services to represent Mr. Damian Thomas during the United States Supreme Court's certiorari review of the judgment entered in Delaware Superior Court case number N1505012411 and on appeal in Delaware Supreme Court case number 392,2021. Christopher S. Koyste, Esquire and Megan Venerick-Giffin are each appointed by the State of Delaware to represent Mr. Thomas before the United States Supreme Court in relation to Mr. Thomas's case.

Mr. Damian Thomas has established his indigency which is why he has been entitled to court appointed counsel throughout Delaware Superior Court case number N1505012411 and Delaware Supreme Court case number 392,2021 in which he was represented by the Law Office of Christopher S. Koyste. Mr. Thomas's indigency status has not changed which is why the State of Delaware Office of Defense Services has appointed counsel in this matter.

Sincerely,

A handwritten signature in black ink that reads "Stephanie J. Volturo".

Stephanie J. Volturo, Esq.