

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |   |                                 |
|--------------------|---|---------------------------------|
| BYRON W. MAHAN,    | § |                                 |
|                    | § | No. 224, 2014                   |
| Defendant Below,   | § |                                 |
| Appellant,         | § | Court Below—Superior Court      |
|                    | § | of the State of Delaware in and |
| v.                 | § | for New Castle County           |
|                    | § |                                 |
| STATE OF DELAWARE, | § |                                 |
|                    | § | Cr. ID No. 1209002207           |
| Plaintiff Below,   | § |                                 |
| Appellee.          | § |                                 |

Submitted: September 29, 2014

Decided: October 6, 2014

**ORDER**

This 6<sup>th</sup> day of October 2014, it appears to the Court that, on September 12, 2014, the Clerk issued a notice to the appellant to show cause why this appeal should not be dismissed for his failure to diligently prosecute the appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required ten-day period. Dismissal of the appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice