

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JASON MICHELAU,	§	No. 528, 2004
	§	
Defendant Below,	§	Court Below: Superior Court
Appellant,	§	of the State of Delaware, in
	§	and for Sussex County
v.	§	
	§	Cr. ID No. 0104013797
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

ORDER

This 8th day of April 2005, it appears to the Court that:

(1) On February 7, 2005, the Clerk issued a notice to show cause why this appeal should not be dismissed, pursuant to Supreme Court Rule 29(b), for the appellant's failure to file his opening brief and appendix.

(2) The February 7th notice to show cause was sent to an address in Rehoboth Beach, Delaware, where appellant indicated on his notice of appeal that he would be after December 7, 2004. On February 22nd, the notice to show cause was returned to the Clerk's office with the notation, "Refused," with a notation of a forwarding address in Woodinville, Washington. The notice to show cause was then re-sent to that address by certified mail and returned on March 10, 2005, with the notation, "Moved, Left No Address" and a notation of another address in Woodinville, Washington. The notice to show cause was

again re-sent by certified mail on or about March 10, and was tracked on the United States Postal Service website as having been undeliverable as addressed on March 16, 2005, and that it would be returned to sender if appropriate information is available.

(3) The appellant having failed to respond to the notice to show cause within the required ten-day period, and having failed to report his current address to the Court, dismissal of this action is deemed to be unopposed.*

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

* Supr. Ct. R. 3(b)(2); Supr. Ct. R. 30(c).