

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES BOYER,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 512, 2004

Court Below: Superior Court
of the State of Delaware in and
for Sussex County

Cr. ID No. 0206001272

ORDER

This 17th day of May 2005, it appears to the Court that on April 18, 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 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; therefore, 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/ Myron T. Steele
Chief Justice