

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|--------------------------------|
| MICHAEL MAYNARD, | § |
| | § No. 119, 2011 |
| Defendant Below- | § |
| Appellant, | § |
| | § Court Below—Superior Court |
| v. | § of the State of Delaware |
| | § in and for New Castle County |
| STATE OF DELAWARE, | § Cr. ID No. 0912005887 |
| | § |
| Plaintiff Below- | § |
| Appellee. | § |

Submitted: June 29, 2012

Decided: July 12, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 12th day of July 2012, it appears to the Court that:

(1) The defendant-appellant, Michael Maynard, filed an appeal from his Superior Court conviction and sentence. For the reasons that follow, the Court concludes that the appeal must be dismissed.

(2) On June 21, 2012, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why his appeal should not be dismissed for his failure to diligently prosecute his appeal by not filing his opening brief and appendix. The appellant filed a response to the notice to show cause on June 29, 2012. In his response, the

appellant states that he has no meaningful access to the prison law library. He further requests that the Court appoint him counsel.

(3) The Supreme Court docket in this matter reflects that this appeal has been pending since April 2011. In May 2011, the appellant asked for an extension of the due date for his opening brief so that a transcript could be requested. The Court granted the appellant's request and the brief schedule was withdrawn. In June 2011, the Superior Court granted the appellant's request for transcript at State expense. In September 2011, the transcript was filed in the Court and a new brief schedule was issued.

(4) In October 2011, the appellant again asked that the brief schedule be withdrawn so that he could request another transcript from the Superior Court. The brief schedule again was withdrawn pending the appellant's request to the Superior Court for an additional transcript at State expense. In December 2011, the additional transcript was filed in the Court and another brief schedule was issued.

(5) In January 2012, the appellant filed a motion for counsel, which the Court denied later that month. In February 2012, the appellant requested an extension of time in which to file his opening brief as well as another motion for the appointment of counsel. The appellant received an extension until May 2012. After receiving a brief delinquency letter, the appellant

requested, and received, yet another extension to file his opening brief---this time until June 6, 2012. On June 12, 2012, the Clerk sent the appellant a brief delinquency letter. On June 21, 2012, the notice to show cause issued.

(6) The record reflects that the Court has afforded the appellant every conceivable opportunity to timely file his opening brief and appendix. Rather than filing the brief and appendix after receiving the notice to show cause, the appellant offers yet another excuse why he is unable to fulfill his commitment and again asks for the appointment of counsel. Unfortunately, the appellant gives this Court no choice but to dismiss his appeal based upon his continuing dilatory conduct.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice