

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GARY E. JEFFERSON,	§
	§ No. 237, 2009
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 0604018844
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 31, 2009  
Decided: September 4, 2009

**ORDER**

This 4th day of September 2009, it appears to the Court that, on August 18, 2009, after issuing a brief delinquency notice on August 5, 2009, the Clerk of the Court 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 the appeal is deemed to be unopposed.

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

BY THE COURT:

/s/ Randy J. Holland  
Justice