

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |                                |
|--------------------|--------------------------------|
| ROGER YEAGER,      | §                              |
|                    | § No. 134, 2012                |
| 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. 0909089702        |
|                    | §                              |
| Plaintiff Below-   | §                              |
| Appellee.          | §                              |

Submitted: July 9, 2012

Decided: July 11, 2012

**ORDER**

This 11<sup>th</sup> day of July 2012, it appears to the Court that, on June 18, 2012, the Clerk issued a notice to show cause why this appeal should not be dismissed for the appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix. On June 20, 2012, the Court granted the appellant until July 9, 2012 to file his brief and appendix and further ordered that, if the deadline were not met, the appeal would be dismissed as unopposed. The appellant has failed to file his opening brief and appendix by the deadline set by the Court. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice