

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HECTOR MARTINEZ,	§	
	§	No. 251, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0705031476
Appellee.	§	

Submitted: September 20, 2010
Decided: September 24, 2010

ORDER

This 24th day of September 2010, the Court has considered the notice to show cause issued to the appellant, Hector Martinez, on August 31, 2010, for his failure to file the opening brief and appendix that were due to be filed on or before August 16, 2010. Martinez has not responded to the notice to show cause and has not filed the opening brief and appendix. Martinez' failure to respond to the notice to show cause is deemed to be his consent to the dismissal of this appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice