

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HERSHALL L. RUSSELL,	§
	§ No. 98, 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 Nos. 0402003953
	§ and 1002007216
Plaintiff Below-	§
Appellee.	§

Submitted: May 13, 2011  
Decided: May 20, 2011

**ORDER**

This 20<sup>th</sup> day of May 2011, it appears to the Court that, on April 28, 2011, 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 his appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action 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/ Carolyn Berger  
Justice