

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID L. WILKERSON,	§
	§ No. 159, 2012
Defendant Below,	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
STATE OF DELAWARE,	§ for Sussex County
	§ Cr. ID 0905024578
Plaintiff Below,	§
Appellee.	§

Submitted: September 24, 2012

Decided: September 28, 2012

**ORDER**

This 28th day of September 2012, it appears to the Court that, after appellant failed to file his opening brief, the Clerk issued a notice to show cause why the appeal should not be dismissed for appellant's failure to prosecute. Appellant responded and requested an extension. He was granted a two-month extension and was informed that his failure to file his opening brief on or before September 24, 2012 would result in the dismissal of his appeal as unopposed. Appellant failed to file his opening brief. Dismissal of the appeal, therefore, is unopposed.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice