

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BARRY GRIFFITH,	§
	§ No. 153, 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 No. 0912008794
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 14, 2011

Decided: August 19, 2011

**ORDER**

This 19<sup>th</sup> day of August 2011, it appears to the Court that, on August 2, 2011, 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. 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 Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice