

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AXEL CARABALLO,	§	
	§	No. 257, 2011
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. 0905001433
Appellee.	§	

Submitted: August 30, 2011

Decided: September 2, 2011

ORDER

This 2nd day of September 2011, the Court has considered the notice to show cause issued to the appellant, Axel Caraballo, on August 15, 2011, for his failure to file the opening brief and appendix that were due to be filed by August 1, 2011. Caraballo has not responded to the notice to show cause and has not filed the opening brief and appendix. Caraballo's 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/ Myron T. Steele
Chief Justice