

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NORMAN H. SMITH,	§	
	§	No. 139, 2014
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	C.A. No. S14M-02-026
Appellee.	§	

Submitted: June 16, 2014  
Decided: June 25, 2014

**ORDER**

This 25<sup>th</sup> day of June 2014, it appears to the Court that:

(1) On March 18, 2014, the appellant, Norman H. Smith, filed a notice of appeal from the Superior Court’s order of March 4, 2014 denying his petition for a writ of habeas corpus. On May 19, 2014, the Clerk issued a notice directing Smith to show cause why the appeal should not be dismissed for his failure to file the opening brief.<sup>1</sup> On June 16, 2014, the notice to show cause was returned marked “unclaimed” and “unable to forward.”

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<sup>1</sup> See Del. Supr. Ct. R. 29(b) (governing involuntary dismissal upon notice of the Court).

(2) “As a condition for a party appearing pro se, the party must designate a mailing address . . . for the receipt of all notices, papers and orders filed in the case.”<sup>2</sup> In this case it appears that the mailing address provided by Smith is no longer valid and Smith has not provided the Clerk with a change of address. Under these circumstances, the dismissal of Smith’s appeal is deemed to be unopposed.<sup>3</sup>

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

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>2</sup> Del. Supr. Ct. R. 12(c).

<sup>3</sup> See Del. Supr. Ct. R. 3(b)(2)(b) (providing that a party is deemed to have consented to the termination of the case when the party fails to respond to the Court’s notice to show cause why the appeal should not be dismissed).