

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DALE A. MARTINI,	§
	§ No. 269, 2012
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0912006181
Plaintiff Below-	§
Appellee.	§

Submitted: August 27, 2012

Decided: August 28, 2012

ORDER

This 28th day of August 2012, it appears to the Court that, on July 19, 2012 and again on August 14, 2012, the Clerk issued a notice to appellant to show cause why this appeal should not be dismissed for his failure to diligently prosecute the appeal by not filing his opening brief and appendix and by not paying his filing fee in this matter. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be 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/ Carolyn Berger
Justice