

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BOOKER T. MARTIN,	§
	§ No. 309, 2002
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§ Cr. ID No. 9608015523
STATE OF DELAWARE,	§ Cr.A. Nos. IN96-08-1663
	§ and -1664
Plaintiff Below,	§
Appellee.	§

ORDER

This 26th day of November 2002, it appears to the Court that, on October 24, 2002, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute his appeal by not filing his opening brief and appendix 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/ Myron T. Steele

Justice