

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TURHAN L. REDDEN,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

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No. 185, 2001

Court Below: Superior Court of
the State of Delaware in and for
New Castle County

Cr. ID No. 9909001727

ORDER

This 28th day of September 2001, it appears to the Court that:

(1) On August 2, 2001, a Notice to Show Cause was issued to appellant Turhan L. Redden directing him to show cause why his appeal should not be dismissed, pursuant to Supreme Court Rule 29(b), for his failure to diligently prosecute the appeal by not filing his opening brief and appendix. Mr. Redden's Response to the Notice to Show Cause was filed August 14, 2001.

(2) In his response to the Notice to Show Cause, Mr. Redden states that he was unable to file his brief because the Superior Court denied his request for transcript at State expense. He states that his family is attempting to secure the transcripts for him.

(3) On August 22, 2001, the Clerk wrote to Mr. Redden, once again advising him that the denial of transcript could be raised as an issue in his opening brief and informing him that failure to file his opening brief and appendix by the September 24, 2001, deadline would result in the appeal being dismissed without further notice.

(4) Since Mr. Redden filed the appeal in this Court, it is his duty to diligently prosecute the appeal. Mr. Redden's brief and appendix have not been filed as required by Supreme Court Rule 15; therefore, this Court is unable to conduct a meaningful review. In light of Mr. Redden's failure to diligently prosecute the appeal by not filing his opening brief and appendix, the dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the appeal be, and it hereby is,

DISMISSED.

BY THE COURT:

s/JosephT. Walsh
Justice