

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRUCE BANTHER,	§	
	§	No. 359, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Kent County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 9705000270
Appellee.	§	

Submitted: December 28, 2012

Decided: December 31, 2012

**ORDER**

This 31<sup>st</sup> day of December 2012, the Court has considered the notice to show cause that issued to the appellant, Bruce Banther, on November 30, 2012, for his failure to file the opening brief that was due to be filed by November 12, 2012.\* Banther has not responded to the notice to show cause and has not filed the opening brief. Banther'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

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\* To the extent the notice to show cause alleged that Banther failed to pay the Supreme Court filing fee, the notice was issued in error.