

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRYAN GUNTHER,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 513, 2003

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

Cr.ID No. 9911016003

ORDER

This 15th day of January 2004, it appears to the Court that on December 12, 2003, 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 the appeal by not filing his opening brief and appendix. 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