

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEON F. JOHNSON,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§

§ No. 398, 2003

§

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§ Court Below: Superior Court

§ of the State of Delaware,

§ in and for Kent County

§ Cr. ID 0202010750

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ORDER

This 20th day of January 2004, it appears to the Court that on November 13, 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/ Carolyn Berger
Justice