

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEE ROSS,	§
	§
Defendant Below,	§ No. 294, 2003
Appellant,	§
v.	§ Court Below: Superior Court,
	§ of the State of Delaware,
	§ in and for Sussex County
STATE OF DELAWARE,	§
	§ Cr. ID No. 88S01761DI
Plaintiff Below,	§
Appellee.	§

**ORDER**

This 23<sup>rd</sup> day of January 2004, it appears to the Court that:

(1) On October 14, 2003, a Notice to Show Cause was issued to appellant Lee Ross, directing him to show cause why this 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. On October 22, 2003, the Clerk received two letters from Ross requesting an extension of time to file his opening brief.

(2) By letter dated October 24, 2003, the Court granted Ross an extension until November 24, 2003 to file his opening brief. As of December 29, 2003, Ross still had not filed his brief. By letter dated December 29, 2003, the Court directed Ross to file his opening brief and appendix by January 12, 2004. The Court informed Ross that if his brief was not filed by that date, the Court would deem the dismissal of his appeal to be unopposed and, therefore, would

dismiss his appeal without further notice. Ross has not filed his brief nor contacted the Court about filing his brief. Dismissal of the appeal, therefore, is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice