

IN THE SUPREME COURT OF THE STATE OF DELAWARE

| | |
|--------------------|---------------------------------|
| MARK A. HAMIL, JR. | § |
| | § No. 521, 2002 |
| Defendant Below, | § |
| Appellant, | § |
| v. | § Court Below: Superior Court |
| | § of the State of Delaware, |
| | § in and for Kent County |
| STATE OF DELAWARE, | § Cr. A. Nos. IK96-10-0462, |
| | § -0463, -0465, -0469 and -0480 |
| Plaintiff Below, | § Cr. ID No. 9510006777 |
| Appellee. | § |

ORDER

This 15th day of January 2003, it appears to the Court that the Clerk issued a notice to show cause why this appeal should not be dismissed for appellant's failure to diligently prosecute his appeal by not filing his opening brief in this matter. Appellant responded on December 16, 2002. By letter dated December 19, 2002, the Clerk informed appellant if his brief was not filed by January 3, 2003, the appeal would be dismissed without further notice. Appellant failed to respond to the Clerk's letter or to file his brief; 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/Joseph T. Walsh
Justice