

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM V. MARSHALL,	§	
	§	
Defendant Below-	§	No. 533, 2003
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for Sussex County
STATE OF DELAWARE,	§	Cr. ID No. 9804017918
	§	
Plaintiff Below-	§	
Appellee.	§	

ORDER

This 8th day of March 2004, it appears to the Court that:

(1) On December 30, 2003, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why this appeal should not be dismissed for the appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix.¹ On January 5, 2004, the notice to show cause was returned to the Court by the post office marked "attempted not known."

(2) After confirming with the Department of Correction that the appellant was incarcerated at the Sussex Correctional Institution ("SCI"), the Clerk again mailed the notice to show cause to the appellant at SCI via first class mail.

¹ A brief delinquency notice previously was sent to the appellant on December 16, 2003.

(3) The appellant has failed to respond to the notice to show cause within the required 10-day period.² Therefore, dismissal of this action is deemed to be unopposed.³

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice

² Supr. Ct. R. 29(b).

³ Supr. Ct. R. 3(b).