

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ELWOOD M. WILLIS,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§

§ No. 563, 2003

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§ Court Below: Superior Court

§ of the State of Delaware,

§ in and for Sussex County

§ C.A. No. 03M-10-007

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ORDER

This 8th day of March 2004, it appears that a notice was issued to appellant to show cause why his appeal should not be dismissed for failure to file his opening brief and appendix. In response, appellant filed a motion under Rule 15(b) for an extension of time to file his brief. By Order dated January 27, 2004, the Court granted appellant an extension until February 25, 2004, to file his opening brief, in lieu of which dismissal of the appeal would be deemed to be unopposed. The appellant has failed to file his opening 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/ Randy J. Holland

Justice