

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KIRK L. HOLROYD,	§
	§ No. 417, 2012
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in
	§ and for Sussex County
STATE OF DELAWARE,	§
	§ Cr. ID No. 1107023955
Plaintiff Below,	§
Appellee.	§

Submitted: October 11, 2012  
Decided: October 16, 2012

**ORDER**

This 16<sup>th</sup> day of October 2012, it appears to the Court that, on September 27, 2012, 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 his appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice