

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM W. FORD, JR.,	§	
	§	
Defendant Below-	§	No. 561, 2003
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
STATE OF DELAWARE,	§	C.A. No. 03M-10-127
	§	
Plaintiff Below-	§	
Appellee.	§	

ORDER

This 5th day of April 2004, it appears to the Court that:

(1) On February 6, 2004, 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 the appeal by not filing his opening brief and appendix. The notice to show cause stated that, unless the appellant responded within 10 days of receipt, dismissal of the appeal would be deemed to be unopposed.¹

(2) The notice to show cause was sent to the appellant at the Sussex Correctional Institution and was returned by the post office on February 13, 2004, marked "attempted, not known." On the same date, the Clerk re-mailed the notice to show cause to the appellant's new address at Homestead Road in Wilmington,

¹ Supr. Ct. R. 3(b) and 29(b).

Delaware via certified mail. The Clerk received the certified mail receipt on February 27, 2004, reflecting that the appellant received the notice to show cause at that address on February 26, 2004.

(3) 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 Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice