

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN W. STEWART, JR.,	§
	§
Defendant Below-	§ No. 315, 2003
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0203021554
Plaintiff Below-	§
Appellee.	§

**ORDER**

This 24<sup>th</sup> day of May 2004, it appears to the Court that, on April 23, 2003, the Assistant Clerk issued a notice to appellant to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix. Appellant failed to respond to the notice within the required ten-day period. Dismissal of this action therefore is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Justice