

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY M. SCOTT,	§	
	§	No. 505, 2012
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	Kent County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0609012498
Appellee.	§	

Submitted: December 5, 2012
Decided: December 10, 2012

ORDER

This 10th day of December 2012, it appears to the Court that:

(1) On September 11, 2012, the appellant, Gregory M. Scott, filed a notice of appeal from his violation of probation conviction and sentencing on August 17, 2012 in the Superior Court. On October 1, 2012, the Clerk mailed a brief schedule to Scott at the mailing address provided in the notice of appeal. When Scott did not file the opening brief by the October 29, 2012 deadline, the Clerk mailed a brief delinquency notice to Scott. Neither the brief schedule nor the brief delinquency letter was returned to the Clerk.

(2) On November 9, 2012, the Clerk issued a notice directing that Scott show cause why this appeal should not be dismissed for his failure to

file the opening brief.¹ On November 21, 2012, the notice to show cause was returned marked “attempted not known,” “unable to forward,” and “return to sender.”

(3) “As a condition for a party appearing pro se, the party must designate a mailing address . . . for the receipt of all notices, papers and orders filed in the case.”² In this case it appears that the mailing address provided by Scott is no longer valid and Scott has not provided the Clerk with a change of address. Under these circumstances, the dismissal of Scott’s appeal is deemed to be unopposed.³

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ See Del. Supr. Ct. R. 29(b) (governing involuntary dismissal upon notice of the Court).

² Del. Supr. Ct. R. 12(c).

³ See Del. Supr. Ct. R. 3(b)(2)(b) (providing that a party is deemed to have consented to the termination of the case when the party fails to respond to the Court’s notice to show cause why the appeal should not be dismissed).