

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAPHUS ELEY,	§	No. 491, 2004
	§	
Defendant Below,	§	Court Below: Superior Court
Appellant,	§	of the State of Delaware, in
	§	and for Sussex County
v.	§	
	§	Cr. ID No. 9906016291
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

ORDER

This 9th day of May 2005, it appears to the Court that:

(1) On March 18, 2005, the Assistant 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 file his opening brief and appendix.

(2) On March 28, 2005, the notice to show cause was returned marked "REFUSED" and the notice was resent first class mail. On April 7, 2005, the notice was returned marked "Attempted Not Known." On April 15, 2005, the notice to show cause was resent to an address in Millsboro, Delaware, which the Department of Corrections had as his address prior to incarceration. On April 22, the notice to show cause was returned to the Clerk's office marked "No Such Number/Street."

(3) The appellant having failed to respond to the notice to show cause within the required ten-day period, and having failed to report his current address to the Court, 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/Henry duPont Ridgely
Justice

* Supr. Ct. R. 3(b)(2); Supr. Ct. R. 30(c).