

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DWIGHT PERKINS,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

No. 481, 2002

Court Below: Superior Court
of the State of Delaware in and
for Kent County

Cr. ID No. 9510001032

Cr. A. Nos. VK95-10-0363-01
and VK95-10-0368-01

ORDER

This 11th day of December 2002, it appears to the Court that, on November 13, 2002, 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 in this matter. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, 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/ E. Norman Veasey

Chief Justice