

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROGER O. SCARBOROUGH,	§
	§ No. 288, 2003
Defendant Below,	§
Appellant,	§ Court Below: Superior Court
	§ of the State of Delaware
v.	§ in and for Kent County
	§
STATE OF DELAWARE,	§ Cr. ID No. 0110004472
	§
Plaintiff Below,	§
Appellee.	§

ORDER

This 26th day of September 2003, it appears to the Court that, on September 25, 2003, the Clerk of this Court 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 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/s Randy J. Holland
Justice