

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY JONES,	§
	§ No. 503, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID Nos. 0501014814 and
	§ 92002502DI
Plaintiff Below-	§
Appellee.	§

ORDER

This 8th day of May 2007, it appears to the Court that:

(1) On February 16, 2007, the Clerk of the 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 his appeal by not filing his opening brief and appendix.¹

(2) The appellant did not respond to the notice to show cause, but, on April 5, 2007, filed a motion for leave to file his opening brief out of time. On April 9, 2007, the Clerk acknowledged receipt of the appellant's request and notified him that, if the opening brief and appendix were not

¹This Court previously had granted two motions filed by the appellant for an extension of time to file his opening brief.

filed on or before May 1, 2007, the Court would deem dismissal of the appeal to be unopposed.²

(3) The docket sheet reflects that the appellant has failed to file his opening brief and appendix by the required date. Therefore, dismissal of the appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) (2) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

² Supr. Ct. R. 3(b) (2).