

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS L. CARTER,	§
	§ No. 166, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0308015965
	§
Plaintiff Below-	§
Appellee.	§

Submitted: April 19, 2007

Decided: May 9, 2007

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 9th day of May 2007, it appears to the Court that:

(1) On April 3, 2007, the Court received the appellant's notice of appeal from the Superior Court's January 29, 2007 order denying his motion for modification of sentence. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the January 29, 2007 order should have been filed on or before February 28, 2007.

(2) On April 5, 2007, the Clerk of the Court issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The Clerk also notified the appellant that, unless the appellant responded within 10 days of

receipt, dismissal of the appeal would be deemed to be unopposed. The appellant's certified receipt of the notice was filed in the Court on April 19, 2007, but the appellant has not responded to the notice to show cause.

(3) Because the appellant has failed to respond to the notice to show cause within the required 10-day period, dismissal of this action is deemed to be unopposed.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice