

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RANDY C. MESSICK,	§
	§ No. 282, 2007
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 0412022035
	§
Plaintiff Below-	§
Appellee.	§

ORDER

This 25th day of October 2007, it appears to the Court that:

(1) On July 27, 2007, the Clerk sent a brief delinquency notice to the appellant. On August 9, 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.

(2) On August 15, 2007, the Clerk received a letter from the appellant explaining that he did not know how to write a brief and asking for another chance. On September 18, 2007, the Clerk wrote to the appellant enclosing a copy of the Citizen's Guide and informing him that the notice to show cause would be held in abeyance pending receipt of his opening brief. The Clerk also informed the appellant that, if the opening brief were not

filed on or before October 22, 2007, dismissal of his appeal would be deemed to be unopposed.

(3) The Supreme Court docket reflects that the appellant did not file his opening brief as directed by the Clerk and has not filed his opening brief as of the date of this Order. Therefore, dismissal of this appeal is deemed to be unopposed.

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

BY THE COURT:

/s/ Carolyn Berger
Justice