

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JUSTIN VANN,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

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No. 700, 2015

Court Below—Superior Court
of the State of Delaware

Cr. ID No. 1502009571

Submitted: June 7, 2016

Decided: June 10, 2016

ORDER

This 10th day of June 2016, it appears to the Court that:

(1) The appellant's opening brief was due to be filed on or before April 13, 2016. When the appellant did not file the brief by the April 13 deadline, the Clerk sent the appellant a brief delinquency notice dated April 15, 2016, advising the appellant that the brief must be filed within seven days. The appellant did not respond to the Clerk's brief delinquency notice and did not file the opening brief.

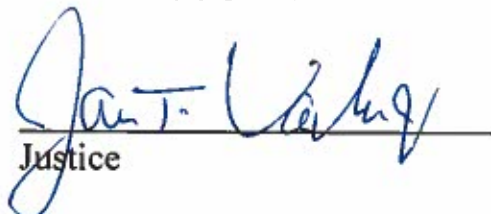
(2) On April 27, 2016, the Clerk issued a notice, by certified mail, directing the appellant to show cause why the appeal should not be dismissed for failure to file the opening brief. The notice to show cause directed the appellant to respond within ten days and advised him that, if he did not respond, dismissal of the appeal would be deemed to be unopposed.

(3) On May 20, 2016, the Clerk re-issued the notice to show cause, sending it to the appellant at an updated address. On May 27, 2016, the Court received the certified mail receipt, indicating that the appellant received the notice to show cause on May 27, 2016. The appellant's response to the notice to show cause was due to be filed on or before June 6, 2016.

(4) The appellant did not respond to the notice to show cause and did not file the opening brief. Under these circumstances, dismissal of the appeal is deemed to be unopposed.

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

BY THE COURT:


Justice