

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FRANKLIN ANDERSON,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

§
§
§
§
§
§
§
§
§
§
§

No. 105, 2016

Court Below—Superior Court
of the State of Delaware,

Cr. ID No. 1411004241

Submitted: July 13, 2016
Decided: July 22, 2016

ORDER

This 22nd day of July 2016, it appears to the Court that:

(1) On March 4, 2016, the appellant filed a notice of appeal from a February 15, 2016 Superior Court order sentencing him for a violation of probation. After this Court granted the appellant’s motion for an extension, the opening brief and appendix were due on or before June 1, 2016.

(2) On June 2, 2016, the Chief Deputy Clerk sent a notice of brief delinquency to the appellant. Because the appellant was released from prison on April 29, 2016, the notice was sent to the address the appellant had left with the Department of Correction. On June 15, 2016, the Chief Deputy Clerk issued a Supreme Court Rule 29(b) notice, by certified mail to the address on record with the Department of Correction, directing the appellant to show cause why this appeal

should not be dismissed for his failure to file an opening brief and appendix. The notice was sent again by first class mail on July 5, 2016. On July 13, 2016, the certified notice to show cause was returned in an envelope marked "Return to Sender, Unclaimed, Unable to Forward."

(3) The appellant has failed to respond to the notice show cause and still has not filed an opening brief. Under these circumstances, dismissal of this appeal is deemed to be unopposed.

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

BY THE COURT:

/s/ Randy J. Holland
Justice