

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES E. BALLARD, JR.,	§	
	§	No. 278, 1999
Defendant Below,	§	C.A. No. 99M-05-023
Appellant,	§	
	§	No. 377, 1999
v.	§	Cr. A. No. VN95-01-1233
	§	
STATE OF DELAWARE,	§	Court Below: Superior Court of the
	§	State of Delaware in and for New
Plaintiff Below,	§	Castle County
Appellee.	§	
	§	CONSOLIDATED

ORDER

This 18th day of February 2000, the Clerk having issued a notice dated December 14, 1999, directing the appellant to show cause why this appeal should not be dismissed, pursuant to Supreme Court Rule 29(b), for his failure to diligently prosecute the appeal by not filing his opening brief and appendix; and appellant having responded to the notice to show cause on January 1, 2000; and the Court, by letter dated January 4, 2000, having given the appellant an extension of time until February 14, 2000, to file his opening brief and appendix, and appellant having failed to file his opening brief and appendix by February 14, 2000, dismissal of this action is deemed to be unopposed.

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

BY THE COURT:

s/Joseph T. Walsh
Justice