IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARL S. ROARK, § § No. 643, 2012 Defendant Below, Appellant, § Court Below—Superior Court of the State of Delaware, in and for New Castle County v. STATE OF DELAWARE, Cr. ID No. 1202013215 § Plaintiff Below, Appellee.

> Submitted: February 23, 2013 Decided: March 4, 2013

ORDER

This 4th day of March 2013, it appears to the Court that, on February 11, 2013, the Clerk issued a notice to show cause why this appeal should not be dismissed for the appellant's failure to diligently prosecute the appeal, by not filing his opening brief and appendix and by not paying the Supreme Court filing fee. The appellant has failed to respond to the notice to show cause within the required ten-day period. Therefore, dismissal of this appeal is deemed to be unopposed.²

¹ SUPR. CT. R. 29(b).

² SUPR. CT. R. 3(b)(2).

NOW, THEREFORE, IT IS HEREBY ORDERED that this appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs Justice