

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAHEEM AUSTIN,	§
	§ No. 367, 2014
Defendant Below,	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County,
STATE OF DELAWARE,	§ Cr. ID No. 1303017358
	§
Plaintiff Below,	§
Appellee.	§

Submitted: September 22, 2014

Decided: September 24, 2014

**ORDER**

This 24<sup>th</sup> day of September 2014, it appears to the Court that:

(1) On July 7, 2014, the appellant filed a notice of appeal from a June 26, 2014 Superior Court order sentencing him for a violation of probation. The appellant's opening brief and appendix were due on or before August 20, 2014.

(2) On August 22, 2014, the Chief Deputy Clerk sent a notice of brief delinquency to the appellant. On September 3, 2014, the Chief Deputy Clerk issued a Supreme Court Rule 29(b) notice, by certified mail, directing the appellant to show cause why this appeal should not be dismissed for his failure to file an opening brief and appendix and for his failure to pay the required filing fee. On September 9, 2014, the certified notice to show cause was returned in an envelope marked "Return to Sender, Attempted—Not Known, Unable to Forward." The

notice to show cause was sent again, by first class mail to the address on record with the Department of Correction, on September 9, 2014.

(3) The appellant has failed to respond to the notice show cause sent by first class mail and still has not filed an opening brief. Under these circumstances, dismissal of this appeal is deemed to be unopposed.<sup>1</sup>

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

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>1</sup> Supr. Ct. R. 3(b)(2)(providing that party is deemed to have consented to termination of appeal when that party fails to respond to notice to show cause).