

NO. 30375

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

SAMUEL COOPER, JR., Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 09-1-0060; CR. NO. 99-1708)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) Petitioner-Appellant Samuel Cooper, Jr. (Appellant) filed a notice of appeal on February 16, 2010; (2) on April 19, 2010, the appellate clerk filed the record on appeal and informed Appellant that the jurisdictional statement was due on April 29, 2010 and the opening brief was due on May 29, 2010; (3) on May 4, 2010, this court granted Appellant an extension of time to June 1, 2010 to file the jurisdictional statement and an extension to August 1, 2010 to file the opening brief; (4) Appellant filed the jurisdictional statement, but he did not file the opening brief;

(5) on September 15, 2010, the appellate clerk provided notice to Appellant that: (a) the time to file the opening brief expired; (b) the matter would be called to the attention of the court on September 22, 2010; and (c) the appeal may be dismissed pursuant to Hawaii Rules of Appellate Procedure (HRAP) Rule 30; and (6) Appellant did not file the opening brief or request relief from default.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawaii, June 27, 2011.

Presiding Judge

Associate Judge

Associate Judge