

NO.CAAP-11-0000614

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

ALBERT T. PERRY, Petitioner-Appellant v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 11-1-0026; CR. NO. 09-1-0184)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Nakamura, C.J., Foley and Leonard, JJ.)

Upon review of the record, it appears that:

(1) on August 15, 2011, Defendant-Appellant Albert T. Perry (Appellant) filed a notice of appeal; (2) the record on appeal was filed on October 12, 2011, and the appellate clerk informed Appellant that the jurisdictional statement was due on October 24, 2011 and the opening brief was due on November 21, 2011; (3) Appellant filed the jurisdictional statement on

October 24, 2011; (4) the court granted Appellant's motion for an extension of time and the opening brief became due January 18, 2012; (5) Appellant did not file the opening brief; (6) on March 21, 2012, 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 March 31, 2012; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; (7) thereafter, Appellant did not file the opening brief or seek relief from default.

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

DATED: Honolulu, Hawai'i, April 23, 2012.

Chief Judge

Associate Judge

Associate Judge