

NO. CAAP-11-0000849

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
GERALD L. AUSTIN, Defendant-Appellant, and  
JOSEPH K. AUSTIN, Defendant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CR. NO. 07-1-1652)

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

Upon review of the record, it appears that:

(1) On August 20, 2012, the appellate clerk issued a Notice of Default of Opening Brief but Defendant-Appellant Gerald L. Austin (Appellant), pro se, did not receive a copy;

(2) On October 22, 2012, the court extended the due date for the opening brief to November 30, 2012, and cautioned Appellant that failure to timely file the opening brief may result in dismissal of the appeal;

(3) The appellate clerk mailed a copy of the October 22, 2012 order to Appellant at his address listed in the notice of appeal and record on appeal, and no return mail was received; and

(4) Appellant did not file an opening brief, or motion for extension or other relief. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed, pursuant to Hawai'i Rules of Appellate Procedure Rule 30.

DATED: Honolulu, Hawai'i, April 15, 2013.

Chief Judge

Associate Judge

Associate Judge