

NO. CAAP-12-0000544

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

RICHARD B. RAPOZO, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 12-1-0003; CR. NO. 51915)

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 June 1, 2012, Petitioner-Appellant Richard B. Rapozo (Appellant), pro se, filed a notice of appeal;
- (2) The record on appeal was filed on August 1, 2012, and the appellate court clerk informed Appellant by mail that the statement of jurisdiction was due by August 13, 2012, and the opening brief was due by September 10, 2012;
- (3) On August 7, 2012, Appellant delivered to correctional staff for mailing a statement of jurisdiction, which was filed on August 14, 2012;
- (4) On September 11, 2012, the court granted Appellant's first requested extension for the opening brief to November 9, 2012;

(5) On November 9, 2012, the court granted Appellant's second requested extension for the opening brief to January 8, 2013;

(6) On January 2, 2013, the court denied Appellant's request for a third extension for the opening brief, and ordered the opening brief to be filed by January 8, 2013;

(7) Appellant failed to file the opening brief;

(8) On February 4, 2013, Appellant filed a motion for reconsideration of the January 2, 2013 order, which the court denied on February 12, 2013;

(9) On March 14, 2013, the appellate court clerk informed Appellant by mail that the time for filing the opening brief had expired and, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the court's attention on March 25, 2013, for such action as the court deems proper, which could include dismissal;

(10) Thereafter, Appellant did not file the opening brief, or respond to the notice of default. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, April 11, 2013.

Chief Judge

Associate Judge

Associate Judge