

NO. CAAP-12-0001020

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

PAUL K. STEVENS, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(S.P.P. NO. 09-1-0009)

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 November 19, 2012, Petitioner-Appellant Paul Stevens (Appellant), pro se, filed a notice of appeal;

(2) The record on appeal was filed on January 4, 2013, and the appellate court clerk notified Appellant by mail at his last known address at Halawa Correctional Facility that the statement of jurisdiction was due by January 14, 2013, and the opening brief was due by February 13, 2013 (Docketing Notice);

(3) The United States Post Office returned the Docketing Notice to the appellate court clerk, with an indication that Appellant is not at Halawa Correctional Facility and the mail would not be forwarded;

(4) Appellant did not file a statement of jurisdiction or opening brief;

(5) On March 15, 2013, the appellate court clerk informed Appellant by mail at his last known address at Halawa Correctional Facility that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure (HRAP), 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 (Default Notice);

(6) The United States Post Office returned the Default Notice to the appellate court clerk, with an indication that Appellant is not at Halawa Correctional Facility and the mail would not be forwarded;

(7) Thereafter, Appellant did not file the statement of jurisdiction or opening brief, or respond to the Default Notice; and

(8) Appellant failed to notify the court of his change of address.

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

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

Chief Judge

Associate Judge

Associate Judge