

NO. CAAP-13-0002873

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
ALVAH RUIS, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DCW-12-0001001)

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

Upon review of the record, it appears that:

(1) on August 14, 2013, Defendant-Appellant Alvah Ruis (Appellant) filed a notice of appeal;

(2) the record on appeal was filed on October 14, 2013, and the appellate clerk informed Appellant that the statement of jurisdiction was due October 24, 2013 and the opening brief was due November 25, 2014;

(3) it appears that Appellant was aware of the due dates, because on October 24, 2013, Appellant requested and was granted an extension to file the opening brief to December 26, 2013;

(4) Appellant's address as reflected in the record was PO Box 625, Kamuela, Hawaii 96743, and Appellant did not notify the court of any change in address;

(5) Appellant did not file the statement of jurisdiction or the opening brief;

(6) on January 13, 2014, the appellate clerk mailed to Appellant at the aforesaid address of record via U.S. Postal Service (USPS), postage prepaid, a notice of default that informed him that:

(a) the time for filing the statement of jurisdiction and the opening brief expired;

(b) pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court on January 23, 2014 for such action as the court deems proper;

(c) the appeal may be dismissed; and

(7) on January 21, 2014, the January 13, 2014 notice was returned by USPS as "refused - not at this address"; and

(8) Appellant has not filed the statement of jurisdiction and opening brief or any other document.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, March 27, 2014.

Presiding Judge

Associate Judge

Associate Judge