

NO. CAAP-13-0005192

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

CORINNE GRACE LANKFORD, Plaintiff-Appellee, v.
KIRK MATTHEW LANKFORD, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 08-1-2336)

SUMMARY DISPOSITION ORDER

(By: Nakamura, C.J., Foley and Fujise, JJ.)

Defendant-Appellant Kirk Matthew Lankford (**Lankford**) appeals from a October 18, 2013 Family Court of the First Circuit¹ (**family court**) post-judgment order denying his Hawai'i Family Court (**HFCR**) Rule 60(b) motion for post-decree relief from an April 17, 2009 divorce decree that dissolved his marriage to Plaintiff-Appellee Corinne G. Lankford (**Corinne**).

On July 31, 2008 Lankford was convicted in the Circuit Court of the First Circuit of the State of Hawai'i of murder in the second degree and sentenced to life imprisonment with the possibility of parole. State v. Lankford, No. 29287, (Haw. May 13, 2011) (mem.) Lankford did not appeal the April 17, 2009 divorce decree which awarded sole custody of Lankford's children to Corinne with visitation at Corinne's discretion.

On March 19, 2012, Lankford filed an application for modification of the divorce decree seeking visitation and contact with the children. Lankford was at the time imprisoned at Saguaro Correctional Center in Arizona. On July 13, 2012, the

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The Honorable Bode A. Uale presided.

family court denied Lankford's motion stating there was no material change in circumstances since the divorce decree was entered, that Corinne had not abused her discretion, and there was insufficient proof that contact would be in the best interest of the children. Lankford did not appeal the order denying his application for modification.

On December 26, 2012, while still imprisoned in Arizona, Lankford filed a "H.F.C.R. 60(b) Petition Requesting Relief From April 17, 2009 Divorce Decree," once again asking for contact and visitation with the children. On October 18, 2013, this second motion for modification was denied and on November 7, 2013, Lankford filed this appeal.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as well as the relevant statutory and case law, we conclude Lankford's appeal is without merit.

Therefore,

IT IS HEREBY ORDERED that the October 18, 2013 "Order Denying Motion for Rule 60(b) Relief" entered in the Family Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, March 24, 2015.

On the briefs:

Kirk Matthew Lankford
Defendant-Appellant pro se.

Chief Judge

Dwight C.H. Lum
for Plaintiff-Appellee.

Associate Judge

Associate Judge