NO. CAAP-16-0000495

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

MILTON STANT, Petitioner-Appellant, v.
STATE OF HAWAIʻI, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 16-1-0010; CR. NOS 55472 AND 58399)

ORDER DISMISSING THE APPEAL PURSUANT TO HRAP RULE 30
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On June 29, 2016, Defendant-Appellant Milton Stant (Appellant), pro se, filed a notice of appeal;

(2) On August 28, 2016, the circuit court clerk filed the record on appeal;

(3) On November 4, 2016, after Appellant defaulted on the statement of jurisdiction and opening brief, the court granted Appellant relief from default and a first extension of time for both documents. The court subsequently granted three additional extensions of time for the opening brief, totaling 168 days, to March 24, 2017. In a January 25, 2017 order granting the third extension of time for the opening brief, the court cautioned Appellant that no further extensions would be granted

absent extraordinary circumstances. In a March 3, 2017 order granting the fourth extension, the court cautioned Appellant that no further extensions would be granted and any further default of the opening brief may result in sanctions, including the appeal being dismissed. Twice the court denied Appellant's motion for appointment of counsel, and related motions for reconsideration;

(4) Appellant did not file the opening brief;

(5) On April 11, 2017, the appellate clerk filed a second default notice, informing Appellant that the time for filing the opening brief had expired and, pursuant to Hawaiʻi Rules of Appellate Procedure (HRAP) Rule 30, the matter would be called to the court's attention on April 21, 2017, for appropriate action, which could include dismissal of the appeal, and Appellant could seek relief from default by motion; and

(6) On April 21, 2017, Appellant filed a letter indicating he has "[no] more motions to make," and he cannot pursue this appeal without court-appointed counsel.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for failure to file the opening brief, pursuant to HRAP Rule 30.

DATED: Honolulu, Hawaiʻi, May 9, 2017.

Presiding Judge

Associate Judge

Associate Judge