

NO. 30166

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,

v.

ALFRED N. SPINNEY, aka ALAPALEKA SPINNEY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTA-09-01763)

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

Upon review of the record, it appears that:

- (1) Defendant-Appellant Alfred Napahuelua Spinney (Appellant) filed a notice of appeal on October 23, 2009;
- (2) on April 1, 2010, the appellate clerk filed the record on appeal and informed Appellant that the jurisdictional statement was due on April 11, 2010, and the opening brief was due on May 11, 2010;
- (3) Appellant did not file either document;
- (4) on June 17, 2010, the appellate clerk informed Appellant that: (a) the time to file the jurisdictional statement and opening brief had expired, (b) the matter would be called to the attention of the court on June 24, 2010, and (c) the appeal may be dismissed, and
- (5) Appellant did not file the required documents nor request relief from default. Therefore,

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to Hawai'i Rules of Appellate Procedure Rule 30.

DATED: Honolulu, Hawai'i, September 1, 2010.

Presiding Judge

Associate Judge

Associate Judge