

NO. CAAP-10-0000162

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
KENNETH FORTHNER McARDLE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CASE NOS. 1DTC-10-010735 and IDTI-10-135127)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30  
(By: Nakamura, C.J., Leonard and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant Kenneth Forthner McArdle (Appellant) filed a notice of appeal on November 17, 2010; (2) on January 14, 2011, the appellate clerk filed the record on appeal and informed Appellant that the jurisdictional statement was due on January 24, 2011 and the opening brief was due on February 23, 2011; (3) Appellant did not file either document; (4) on May 19, 2011, the appellate clerk provided notice to Appellant that: (a) the time to file the jurisdictional statement and the opening

brief expired; (b) the matter would be called to the attention of the court on May 29, 2011; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; (5) Appellant did not file the jurisdictional statement and the opening brief or seek relief from default.

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

DATED: Honolulu, Hawai'i, June 28, 2011.

Chief Judge

Associate Judge

Associate Judge