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IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1977

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MINUTE ORDER

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Annand St. J. [Signature]
CLERK SUPREME COURT

FILED

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1977

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MINUTE ORDER

IT IS ORDERED that counsel in a criminal appeal, when choosing not to file an opening brief, shall timely file a motion for withdrawal of the appeal, either signed by both defendant and counsel, or supported by a statement and affidavit of counsel showing counsel's reasons for not prosecuting the appeal; provided that this shall not be construed to limit the obligations imposed upon appointed counsel under Anders v. California, 386 U.S. 738 (1967).

This order shall be on file for public inspection in the office of the clerk of the supreme court. It is further ordered that the following amended "Caveat" shall be sent out by the clerk of the supreme court as an attachment to every notice of docketing:

"CAVEAT

"The attention of counsel and parties is directed to Supreme Court Rules 3(a), (b), (c), (d), and 8(e), (f), and (g), regarding the preparation and format of briefs. You are informed that full observance of these rules will be expected and required. See Alamida v. Wilson, 53 Haw. 398, 404-05 (1972); Ala Moana Boat Owners' Assn. v. State, 50 Haw. 156 (1967); State v. Gager, 45 Haw. 478, 482

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(1962); State v. Pokini, 45 Haw. 295, 297 (1961). Failure to prepare briefs in conformity with the rules will make the parties and counsel subject to appropriate sanctions, which may include striking of the opening brief or dismissal of the appeal. See for example this court's order filed on September 15, 1976, in State v. Kea, No. 6155, striking the opening brief and requiring the appellant to file a new brief.

"With respect to criminal appeals, counsel is further reminded that in the event counsel chooses not to file an opening brief, counsel shall timely file a motion for withdrawal of the appeal, either signed by both defendant and counsel, or supported by a statement and affidavit of counsel showing counsel's reasons for not prosecuting the appeal; provided that this shall not be construed to limit the obligations imposed upon appointed counsel under Anders v. California, 386 U.S. 738 (1967). (See the minute order dated March 3, 1978, on file in the office of the clerk of the supreme court.)"

DATED: Honolulu, Hawaii, March 3, 1978.

FOR THE COURT:


Chief Justice

Supreme Court of Hawaii

CAVEAT

The attention of counsel and parties is directed to Appellate Rules 28(a), (b), (c) (d), and 32(a), (b), and (c), regarding the preparation and format of briefs. You are informed that full observance of these rules will be expected and required. See *Alamida v. Wilson*, 53 Haw. 398, 404-05 (1972); *Ala Moana Boat Owners' Assn. v. State*, 50 Haw. 156 (1967); *State v. Gager*, 45 Haw. 478, 482 (1962); *State v. Pokini*, 45 Haw. 295, 297 (1961). Failure to prepare briefs in conformity with the rules will make the parties and counsel subject to appropriate sanctions, which may include striking of the opening brief or dismissal of the appeal. See for example this court's order filed on September 15, 1976, in *State v. Kea*, No. 6155, striking the opening brief and requiring the appellant to file a new brief.

With respect to criminal appeals, counsel is further reminded that in the event counsel chooses not to file an opening brief, counsel shall timely file a motion for withdrawal of the appeal, either signed by both defendant and counsel, or supported by a statement and affidavit of counsel showing counsel's reasons for not prosecuting the appeal; provided that this shall not be construed to limit the obligations imposed upon appointed counsel under *Anders v. California*, 386 U.S. 738 (1967). (See the minute order dated March 3, 1978, on file in the office of the clerk of the supreme court.)