NO. 30253

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

STATE OF HAWAIʻI, Plaintiff-Appellee, v.
JOAQUIN AYRES, JR., Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5DTC-09-000983)

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 Joaquin Ayres, Jr. (Appellant) filed a notice of appeal on November 18, 2009;

(2) on January 19, 2010, the appellate clerk filed the record on appeal and informed Appellant that the jurisdictional statement was due on January 29, 2010 and the opening brief was due on February 28, 2010;

(3) Appellant did not file either document;

(4) on March 11, 2010, the appellate clerk informed Appellant the time for filing the statement of jurisdiction and opening brief expired and that the matter would be called to the attention of the court and the appeal may be dismissed;

(5) thereafter, Appellate filed a document entitled Motion on April 12, 2010;

(6) on May 11, 2010, this court denied Appellant's Motion and further ordered the jurisdictional statement due date extended to June 1, 2010 and the opening brief due date extended to July 1, 2010;

(7) the order stated specifically that failure to file the jurisdictional statement and the opening brief will result in dismissal of the appeal;

(8) Appellant did not file the jurisdictional statement or opening brief;

(9) on July 22, 2010, the appellate clerk informed Appellant that: (a) the time to file the jurisdictional statement

and opening brief expired; (b) the matter would be called to the attention of the court on July 29, 2010; and (c) the appeal may be dismissed; and

(10) Appellant did not file the required documents nor request relief from default. Therefore,

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

DATED: Honolulu, Hawaiʻi, September 1, 2010.

Presiding Judge

Associate Judge

Associate Judge