

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-12-0000325

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
EMERSON BUTAY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1P111-11711)

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) on March 30, 2012, Defendant-Appellant Emerson Butay (Appellant), through counsel Jason R. Burks, filed a notice of appeal;

(2) the record on appeal was filed on June 25, 2012, and the appellate clerk informed Appellant that the statement of jurisdiction was due July 5, 2012 and the opening brief was due August 6, 2012;

(3) Appellant did not file either document;

(4) on October 24, 2012, the appellate clerk informed Appellant that:

(a) the time for filing the statement of jurisdiction and the opening brief expired;

(b) pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court on November 3, 2012 for such action as the court deems proper; and

(c) the appeal may be dismissed; and

(5) thereafter, Appellant did not file the statement of jurisdiction and opening brief or respond to the notice of default. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

IT IS FURTHER ORDERED that, within 3 days of the filing of this order, Jason R. Burks, counsel for Defendant-Appellant Emerson Butay, shall file proof of service of this order on his client with this court.

DATED: Honolulu, Hawai'i, November 27, 2012.


Presiding Judge


Associate Judge


Associate Judge