

NO. CAAP-16-0000478

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

EVERETT SPEARS, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. NO. 14-1-0006(3))
(CR. NOS. 00-1-0206(3) and 00-1-0333(2))

ORDER DISMISSING THE APPEAL PURSUANT TO HRAP RULES 12.1(e) AND 30
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) On June 20, 2016, Petitioner-Appellant Everett Spears (Appellant), pro se, filed a notice of appeal;

(2) On August 18, 2016, the circuit court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before August 29, 2016, and September 27, 2016, respectively;

(3) Appellant did not file either document, or request an extension of time;

(4) On October 18, 2016, the appellate clerk notified Appellant that the time for filing the statement of jurisdiction and opening brief had expired and, pursuant to Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, the matter would be called to the court's attention on October 28, 2016, for appropriate action, which could include dismissal of the appeal; and

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

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, November 3, 2016.

Chief Judge

Associate Judge

Associate Judge