

NO. CAAP-16-0000362

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
PAUL PARKER, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 15-1-0443)

ORDER GRANTING THE DECEMBER 9, 2016
"MOTION TO DISMISS APPEAL"

(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of Defendant-Appellant Paul Parker's (Appellant) December 9, 2016 Motion to Dismiss Appeal (Motion), the papers in support, and the record, it appears that (1) the opening brief was due on a first extension of time on or before August 10, 2016; (2) Appellant failed to file the opening brief, or request another extension of time; (3) On November 10, 2016, the appellate clerk notified Appellant that the time to file the opening brief had expired and, pursuant to Hawaii Rules of Appellate Procedure (HRAP) Rule 30, the matter would be called to the court's attention on November 21, 2016, for appropriate action, which could include dismissal; (4) pursuant to HRAP Rule 42(b) and (c), Appellant seeks to dismiss the appeal, which the

court also construes as seeking relief from default of the opening brief; and (5) the Motion includes Appellant's declaration showing he understands the consequences of voluntary dismissal, consistent with HRAP Rule 42(c).

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

DATED: Honolulu, Hawai'i, January 11, 2017.

Chief Judge

Associate Judge

Associate Judge