

NO. CAAP-16-0000648

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
CHEZ MAAE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DTI-16-107957)

ORDER DISMISSING THE APPEAL
PURSUANT TO HRAP RULES 12.1(e) and 30

(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of the record, it appears that:

(1) On September 30, 2016, Defendant-Appellant Chez Maae (Appellant), pro se, filed a notice of appeal;

(2) On November 22, 2016, the district 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 December 2, 2016, and January 2, 2017, respectively;

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

(4) On January 17, 2017, the appellate clerk notified Appellant that the time for filing the statement of jurisdiction

and opening brief had expired,¹ the matter would be called to the court's attention on January 27, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Appellant may request relief from default by motion;

(5) The appellate clerk mailed the notice of entering case on calendar and the default notice to Appellant at the address listed in the record on appeal. The United States Postal Service did not return the notice of entering case on calendar, but it did return the default notice, noting "insufficient address, unable to forward"; and

(6) Appellant did not submit a change of address consistent with HRAP Rule 25(f), and otherwise took no further action in the appeal.

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

DATED: Honolulu, Hawai'i, February 6, 2017.

Presiding Judge

Associate Judge

Associate Judge

¹ The default notice correctly stated the opening brief was due on or before January 3, 2017. See Hawai'i Rules of Appellate Procedure (HRAP) Rule 26(a).