

NO. CAAP-17-0000049

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
v.
HAROLD HODGES, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CR. NO. 16-1-0422(1))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

- (1) On January 31, 2017, Defendant-Appellant Harold Hodges (Hodges), pro se, filed the notice of appeal;
- (2) On April 12, 2017, Hodges filed the opening brief;
- (3) On June 23, 2017, the court granted Plaintiff-Appellee State of Hawaii's May 8, 2017 "Motion to Strike [Hodges'] Opening Brief for Failure to Comply with the Hawaii Rules of Appellate Procedure [(HRAP)]," and denied as moot Hodges' May 22, 2017 motion for leave to file an amended opening brief. The court struck the opening brief, and ordered Hodges to file a first amended opening brief within thirty days from the date of the order. The court cautioned Hodges that failure to timely comply with the order may result in sanctions, including, without limitation, the appeal being dismissed. See HRAP Rule 30;

(4) The appellate clerk did not conventionally serve Hodges with the June 23, 2017 order, but did serve Hodges' standby counsel, Richard D. Gronna (Gronna);

(5) On August 24, 2017, the court ordered the appellate clerk to conventionally serve Appellant with the June 23, 2017 order and the August 24, 2017 order, and extended the due date for the first amended opening brief to September 25, 2017. Gronna was also served with the August 24, 2017 order;

(6) Hodges did not file a first amended opening brief or request an extension of time;

(7) On October 6, 2017, the appellate clerk notified Hodges and Gronna that the time for filing the first amended opening brief had expired, the matter would be called to the court's attention on October 16, 2017, for appropriate action, which could include dismissal of the appeal, pursuant to HRAP Rule 30, and Hodges may request relief from default by motion; and

(8) Hodges took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, January 23, 2018.

Presiding Judge

Associate Judge

Associate Judge