

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-17-0000901  
17-MAY-2018  
11:26 AM**

NO. CAAP-17-0000901

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

CONSTANTE DELA CRUZ, Petitioner-Appellant,  
v.  
STATE OF HAWAII, Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(S.P.P. NO. 17-1-0009(4) (CASE NO. 2PC121000494))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On December 19, 2017, Petitioner-Appellant  
Constante Dela Cruze (Dela Cruz), filed a notice of appeal;  
(2) On February 15, 2018, 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 February 26, 2018, and March 27, 2018,  
respectively;

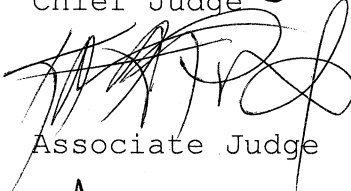
(3) Dela Cruz did not file either document or request  
an extension of time;

(4) On April 10, 2018, the appellate clerk notified  
Dela Cruz that the time for filing the statement of jurisdiction  
and opening brief had expired, the matter would be called to the  
court's attention on April 20, 2018, for appropriate action,  
which could include dismissal of the appeal, pursuant to Hawaii  
Rules of Appellate Procedure Rules 12.1(e) and 30, and Dela Cruz  
may request relief from default by motion; and

(5) Dela Cruz took no further action in this appeal.  
Therefore, IT IS HEREBY ORDERED that the appeal is  
dismissed.

DATED: Honolulu, Hawai'i, May 17, 2018.

  
Chief Judge

  
Associate Judge

  
Associate Judge