

NO. CAAP-18-0000557

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

WILLIAM A. CORNELIO, III, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 17-1-0006 (1PC870001557))

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Fujise and Chan, JJ.)

Upon review of the record, it appears that:

(1) On July 16, 2018, Petitioner-Appellant William A. Cornelio, III (Cornelio), pro se, filed the notice of appeal;

(2) On August 31, 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 September 10, 2018, and October 10, 2018, respectively;

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

(4) On October 30, 2018, the appellate clerk notified Cornelio 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 November 9, 2018, 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 Cornelio may request relief from default by motion;

(5) On December 4, 2018, the court granted Cornelio's November 19, 2018 motion for relief from default and a first extension of time for the statement of jurisdiction and opening brief to January 7, 2019. The court cautioned Cornelio that any further default of the statement of jurisdiction or opening brief may result in sanctions authorized by HRAP Rules 12.1(e) or 30, including, without limitation, the appeal being dismissed; and

(6) The appellate clerk mailed the December 4, 2018 order to Cornelio at Saguaro Correctional Center in Eloy, Arizona, which is Cornelio's address of record in this appeal. The United States Postal Service returned the order as undeliverable. Cornelio has not filed a notice of change of address, as required by HRAP Rule 25(f), and he took no further action in this appeal.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed, under HRAP Rules 12.1(e) and 30, respectively, for failure to file the statement of jurisdiction and opening brief.

DATED: Honolulu, Hawai'i, April 5, 2019.

Chief Judge

Associate Judge

Associate Judge