

NO. CAAP-18-0000919

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
ALFRED SPINNEY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH KONA DIVISION
(CASE NO. 3DTA-17-03816)

ORDER DISMISSING APPEAL

(By: Reifurth, Presiding Judge, Chan and Hiraoka, JJ.)

Upon review of the record, it appears that:

(1) On November 28, 2018, Defendant-Appellant Alfred Spinney (Spinney), filed the notice of appeal pro se;

(2) On January 25, 2019, 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 February 4, 2019, and March 6, 2019, respectively;

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

(4) On March 14, 2019, the appellate clerk notified Spinney 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 March 25, 2019, for appropriate action, which could include dismissal of the appeal, pursuant to Hawai'i

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Rules of Appellate Procedure Rules 12.1(e) and 30, and Spinney may request relief from default by motion; and

(5) Spinney took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, May 16, 2019.

Presiding Judge

Associate Judge

Associate Judge