

NO. CAAP-18-0000445

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
MASON BECK, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CPC-17-0000226)

ORDER FOR SANCTIONS AND ORDER DISMISSING APPEAL
(By: Reifurth, Presiding Judge, Chan and Hiraoka, JJ.)

Upon consideration of Robert Isaac Curtis's (Curtis) June 3, 2019 response to the May 22, 2019 order to show cause, the papers in support, and the record in case numbers CAAP-18-0000445 and CAAP-18-0000582, it appears that:

(1) Curtis's response is not in the form of a declaration complying with Hawai'i Rules of Appellate Procedure (HRAP) Rule 52, affidavit or other sworn statement as required by the order to show cause;

(2) Curtis failed to demonstrate good cause concerning his failure to file the statement of jurisdiction and opening brief, or request an extension of time;

(3) On May 28, 2018, Defendant-Appellant Mason Beck (Beck) filed, through Curtis, the notice of appeal from the mittimus entered in the underlying case, No. 3CPC-17-0000226, on May 23, 2018, which created case number CAAP-18-0000445;

(4) On July 20, 2018, Beck filed, through Curtis, the notice of appeal from the amended judgment entered in the underlying case on June 22, 2018, which created case number CAAP-18-0000582;

(5) The appeals in case numbers CAAP-18-0000445 and CAAP-18-0000582 are redundant, as they involve the same parties, underlying case, facts, record, and reviewable issues; and

(6) On April 17, 2019, following a temporary remand by the court in case number CAAP-18-0000582, the circuit court in the underlying case entered a so-called "first amended order" granting Jeremy J.K. Butterfield's (Butterfield) March 20, 2019 motion to amend the order granting Curtis's August 8, 2018 motion to withdraw as counsel. The circuit court withdrew Curtis and appointed Brian J. De Lima and Butterfield as counsel for Beck.

Therefore, IT IS HEREBY ORDERED that:

(1) Pursuant to HRAP Rule 51, Robert Isaac Curtis is sanctioned in the amount of \$50.00.

(2) A check in the full amount, payable to the State Director of Finance, along with a copy of this order, shall be deposited with the Supreme Court Clerk's Office within ten days from the date of this order.

(3) A declaration of Counsel attesting to the payment shall be filed within ten days from the date of this order.

(4) The sanction shall be paid by Counsel personally and without reimbursement.

(5) Failure to comply with this order may result in additional sanctions.

IT IS FURTHER ORDERED that the appellate clerk shall add Brian J. De Lima and Jeremy J.K. Butterfield as counsel for Beck in case number CAAP-18-0000445.

IT IS FURTHER ORDERED that the appeal in case number
CAAP-18-0000445 is dismissed.

DATED: Honolulu, Hawai'i, June 12, 2019.

Presiding Judge

Associate Judge

Associate Judge