

NO. CAAP-19-0000054

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
LANCE KAMUELA GOMES, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5CPC-17-0000062)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

- (1) On January 23, 2019, Defendant-Appellant Lance Kamuela Gomes (Gomes), pro se, filed the notice of appeal and statement of jurisdiction;
- (2) On March 25, 2019, 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 April 4, 2019, and May 6, 2019, respectively, despite Gomes having filed the statement of jurisdiction with the notice of appeal;
- (3) Gomes did not file the opening brief or request an extension of time;
- (4) On May 31, 2019, the appellate clerk notified Gomes 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 June 10, 2019, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of

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

(5) The default notice erroneously stated Gomes failed to file the statement of jurisdiction but he took no further action in this appeal with respect to the opening brief.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for failure to file the opening brief, under HRAP Rule 30.

DATED: Honolulu, Hawai'i, June 14, 2019.

Presiding Judge

Associate Judge

Associate Judge