

NO. CAAP-19-0000388

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
RICHARD D. NEWMAN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
KĀNE'ŌHE DIVISION
(CASE NO. 1DTI-17-131536)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On December 19, 2018, self-represented Defendant-Appellant Richard Donald Newman (Newman) filed the notice of appeal;

(2) On July 9, 2019, the district court clerk filed the record on appeal;

(3) On July 10, 2019, the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before July 19, 2019, and August 19, 2019, respectively;

(4) Newman did not file either document or request an extension of time;

(5) On September 12, 2019, the appellate clerk notified Newman 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 September 23, 2019, for appropriate action,

which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30, and Newman may request relief from default by motion; and

(6) On October 23, 2019, Newman filed the Motion for Court to Adjudicate Jurisdiction Before Proceeding;

(7) On November 29, 2019, the court granted the October 23, 2019 Motion, and found the court has jurisdiction in this appeal;

(8) On December 18, 2019, Newman filed the Motion to Correct Driving Abstract of Defendant and Settle Case, where he seeks an order directing the district court to remove the "conviction" from his driving abstract until the appeal is resolved, and an order directing Plaintiff-Appellee State of Hawai'i to honor its pre-trial settlement offer; and

(9) At no time has Newman responded to the September 12, 2019 default notice or taken any further action concerning the opening brief.

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, December 23, 2019.

Presiding Judge

Associate Judge

Associate Judge