

NO. CAAP-19-0000471

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

WILLIAM JACKSON GAY BARNES, Petitioner-Appellant, v.
JUDGE FA'AUUGA TO'OTO'O; FRANCIS SEQUERIA, WARDEN; DAVID IGE,
GOVERNOR; NOLAN ESPINDA, ADMINISTRATOR, DEPARTMENT OF PUBLIC
SAFETY; OSKANA VINCENT, OFFICE OF THE PROSECUTOR; KIRK CALDWELL,
MAYOR; CITY AND COUNTY OF HONOLULU, Respondents-Appellees, and
JOHN DOES (1-10); JANE DOES (1-10); ENTITY DOES (1-10),
Respondents

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 18-1-0012 (CR. NO. 1PC151000354 AND 1PC151000267))

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On July 1, 2019, self-represented Petitioner-Appellant William Jackson Gay Barnes (Barnes) filed the notice of appeal;

(2) On August 26, 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 September 5, 2019, and October 7, 2019, respectively;

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

(4) On October 23, 2019, the appellate clerk notified Barnes 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 4, 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 Barnes may request relief from default by motion; and

(5) The appellate clerk mailed the notice of entering case on calendar and the default notice to Barnes at his address on record. The United States Postal Service returned the envelopes marked, "Unable to Forward," and the Oahu Community Correctional Center marked the envelopes, "Return to Sender, Inmate Discharged." Mellow has not filed a notice of change of address, consistent with HRAP Rule 25(f), and he took no further action in this appeal.

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

DATED: Honolulu, Hawai'i, February 27, 2020.

Chief Judge

Associate Judge

Associate Judge