NO. CAAP-19-0000415

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

STATE OF HAWAIʻI, Plaintiff-Appellee, v.
ROBERTA WILBORN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NOS. 1DCC-17-0004508, 1DCC-18-0001853, and 1DCC-18-0003592)

ORDER DISMISSING APPEAL
(By: Ginoza, Chief Judge, Leonard and Wadsworth, JJ.)

Upon review of the record, it appears that:

(1) On March 6, 2020, 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 March 16, 2020, and April 15, 2020, respectively;

(2) On March 10, 2020, the United States Postal Service returned the notice of entering case on calender with a label reflecting self-represented Defendant-Appellant Roberta Wilborn's (Wilborn) new address but also indicating the forwarding time had expired. That same day, the appellate clerk re-sent the notice of entering case on calendar to Wilborn's new address, and no return mail was received;

(3) Wilborn failed to file the statement of jurisdiction and the opening brief, and did not request an extension of time;

(4) On May 14, 2020, the appellate clerk notified Wilborn 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 May 26, 2020, for appropriate action, which could include dismissal of the appeal, under Hawaiʻi Rules of Appellate Procedure Rules 12.1(e) and 30, and Wilborn could request relief from default by motion. The appellate clerk mailed the default notice to Wilborn's new address, and no return mail was received; and

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

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

DATED: Honolulu, Hawaiʻi, June 25, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge