

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-22-0000751

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
JUSTIN K. LIM, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH HILO DIVISION
(CASE NO. 3DTC-22-064827)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Wadsworth and Guidry, JJ.)

Upon review of the record, it appears that:

(1) The statement of jurisdiction and the opening brief were due on or before March 28, 2023, and April 26, 2023, respectively;

(2) Self-represented Defendant-Appellant Justin K. Lim (Lim) failed to file either document, or request an extension of time;¹

(3) On May 3, 2023, the appellate clerk notified Lim 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 15, 2023, for appropriate action, which could include dismissal of the appeal, under Hawaii Rules of Appellate Procedure Rules 12.1(e) and 30, and Lim could request relief from default by motion; and

¹ On January 5, 2023, Lim filed a letter, which the court construed as a motion to dismiss this criminal appeal. The court denied Lim's motion without prejudice to Lim filing a motion or stipulation, in compliance with HRAP Rule 42(c), showing Lim understands the consequences of voluntary dismissal in compliance with HRAP Rule 42(c).

(4) Lim has not taken any further action in this appeal.

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

DATED: Honolulu, Hawai'i, June 15, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge