

NO. 24362

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

CURTIS MAKOTO YAMURA, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(FC-CR. NO. 01-1-1220)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that (1) the Supreme Court Clerk's office by letter dated January 18, 2002, informed appellant that the opening brief expired on November 12, 2001; (2) on March 1, 2002, appellant was ordered to file the opening brief or an appropriate dismissal by March 31, 2002 and was informed that failure to do so would result in sanctions, including dismissal and appellant was further ordered to respond to an order to show cause; (3) on March 13, 2002, appellant filed a response to the order to show cause and stated that he would either file the opening brief within thirty days of the March 1, 2002, order or cause the appeal to be dismissed; (4) Appellant was informed by letter dated April 26, 2002, that neither the opening brief nor a dismissal of the appeal was filed with this court and that the matter would be called to the attention of the court for such action as the court deems proper, including

dismissal of the appeal; (5) Appellant has failed to comply with this court's orders or to otherwise oppose dismissal, therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, May 28, 2002.