

*** NOT FOR PUBLICATION ***

NO. 25922

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

JAMES L. VLIET, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 98-0690)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that this court ordered appellant to file the opening brief or an appropriate dismissal of the appeal within 30 days from the date of the order filed on February 18, 2004. Appellant having failed to file the opening brief or to otherwise oppose dismissal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, April 26, 2004.