

*** NOT FOR PUBLICATION ***

NO. 26058

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM S. AHOLELEI, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE THIRD CIRCUIT COURT
(S.P.P. NO. 03-1-002K)

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 either file the statement of jurisdiction and opening brief or an appropriate dismissal of the appeal by October 17, 2004. Appellant has failed to file the statement of jurisdiction and opening brief. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, December 20, 2004.