

*** NOT FOR PUBLICATION ***

NO. 26094

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

ISAAC BUSH, Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 02-1-0245)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that this court informed Appellant that the time for filing the opening brief expired on May 13, 2004 and that, pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deems proper including dismissal of the appeal. Appellant having failed to file the opening brief,

IT IS HEREBY ORDERED that the appeal is dismissed.

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