

NO. 28117

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

DAVID T. HARRIS, Petitioner-Appellant,
v.
STATE OF HAWAI'I, Respondent-Appellee

K. HAMAKA'DO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2007 AUG 14 AM 10:36

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 05-1-0070; CRIMINAL NO. 04-1-0891)

ORDER DISMISSING APPEAL

(By: Watanabe, Presiding Judge, Nakamura and Fujise, JJ.)

Upon review of the record, it appears that: (1)

Petitioner-Appellant David T. Harris filed a notice of appeal on August 22, 2006; (2) on October 23, 2006, the appellate clerk filed a notice of entering case on calendar and notified Appellant that the jurisdictional statement was due on November 2, 2006 and the opening brief was due on December 2, 2006; (3) Appellant filed the statement of jurisdiction on November 2, 2006; (4) although the court granted extensions of time, Appellant did not file the opening brief; (5) on June 22, 2007, the appellate clerk informed Appellant that the time to file the opening brief expired on May 5, 2007 and that the matter would be brought to the attention of the court on June 29, 2007 for such action as the court deems proper and the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; (6) Appellant did not file the opening brief or seek relief from default. Therefore,

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the appeal is dismissed
pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, August 14, 2007.

Corinne K A Wataneke

Presiding Judge

Craig H. Nakamura

Associate Judge

Alana D M Zizim

Associate Judge