

NO. 28929

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

NOLAN BARCLAY, Petitioner-Appellant,

vs.

STATE OF HAWAI'I, Respondent-Appellee.

FILED  
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STATE OF HAWAI'I  
COURT OF APPEALS

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(SPP NO. 07-1-0029; CR. NO. 05-1-2676)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30  
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that: (1) on December 28, 2007, Petitioner-Appellant Nolan Barclay (Appellant) filed a notice of appeal; (2) on February 26, 2008, the appellate clerk filed a notice of entering case on calendar and notified Appellant the jurisdictional statement was due on March 7, 2008 and the opening brief was due on April 6, 2008; (3) Appellant did not file the jurisdictional statement or the opening brief; (4) on May 7, 2008, the appellate clerk informed Appellant that: (a) the time to file the statement of jurisdiction and the opening brief had expired; (b) the matter would be brought to the attention of the court on May 14, 2008, for such action as the court deems proper; and (c) the appeal may be dismissed pursuant to HRAP Rule 30; and (5) Appellant did not file the statement of jurisdiction and the opening brief or seek relief from default. Therefore,

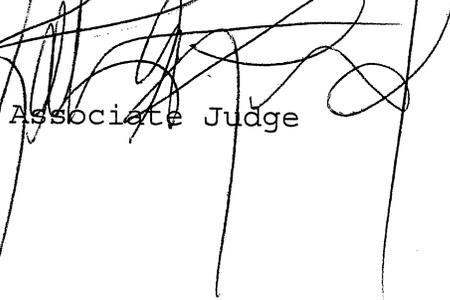
NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

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

DATED: Honolulu, Hawai'i, July 10, 2008.

  
Daniel R. Foley  
Presiding Judge

  
Associate Judge

  
Associate Judge