

NO. 29791

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,

v.

JAYSON JAY ROTH, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(CASE NO. 2DTC-08-000162)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30
(By: Nakamura, C.J., Watanabe and Foley, JJ.)

Upon review of the record, it appears that: (1) on April 24, 2009, Defendant-Appellant Jayson Jay Roth (Appellant) filed a notice of appeal; (2) on June 23, 2009, the appellate clerk filed a Notice of Entering Case on Calendar and notified Appellant the jurisdictional statement was due on July 3, 2009 and the opening brief was due on August 2, 2009; (3) Appellant filed a statement of jurisdiction, but he did not file the opening brief; (4) on August 14, 2009, the appellate clerk informed Appellant: (a) the time for filing the opening brief expired; (b) the matter would be called to the attention of the court on August 24, 2009 for such action as the court deemed proper; and (c) the appeal may be dismissed pursuant to Hawaii Rules of Appellate Procedure (HRAP) Rule 30; (5) Appellant did not file the opening brief. Therefore,

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

DATED: Honolulu, Hawai'i, November 10, 2009.

Chief Judge

Associate Judge

Associate Judge