

*** NOT FOR PUBLICATION ***

NO. 27041

IN THE SUPREME COURT OF THE STATE OF HAWAII

GENE HARRISON, Petitioner-Appellant

vs.

STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 04-0023 (CR. NO. 94-2434))

ORDER DISMISSING APPEAL
(By: Nakayama, J., for the court¹)

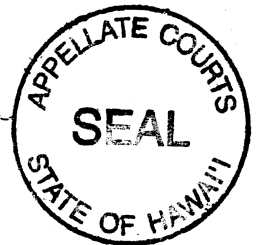
On September 2, 2005, this court ordered Appellant Gene Harrison, pro se, to either file the opening brief in the above entitled matter or an appropriate dismissal of the appeal within 30 days from the date of the order. Appellant having failed to comply and it appearing that the opening brief is in default,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, December 8, 2005.

FOR THE COURT:

Diana A. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.