

*** NOT FOR PUBLICATION ***

NO. 27483

IN THE SUPREME COURT OF THE STATE OF HAWAII

LAEL SAMONTE, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

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FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 05-1-0051; CR. NO. 89-0003)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

On March 21, 2006, this court ordered Appellant 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, June 1, 2006.

FOR THE COURT:

Puma C. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Nakayama, Acoba and Duffy, JJ., and Intermediate Court of Appeals Associate Judge Nakamura, in place of Levinson, J., recused.