

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

LORIN JAMES MCRAE, Petitioner-Appellant,
v.
STATE OF HAWAI'I, Respondent-Appellee

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2005 OCT 14 AM 10:27

FILED

NO. 26876

APPEAL FROM CIRCUIT COURT OF THE FIRST CIRCUIT

(S.P.P. NO. 04-1-0044)
(CR. NO. 96-1066)

ORDER DENYING RESPONDENT-APPELLEE STATE OF HAWAI'I'S MOTION TO
DISMISS PETITIONER-APPELLANT'S APPEAL; AND ORDER GRANTING MOTION
TO EXTEND THE TIME TO FILE ITS ANSWERING BRIEF
(By: Burns, C.J.)

Upon consideration of "Respondent-Appellee State of
Hawai'i's Motion to Dismiss Petitioner-Appellant's Appeal or, in
the Alternative, to Extend the Time to File Its Answering Brief,"
filed on September 16, 2005, and "Respondent-Appellee State of
Hawai'i's Motion to Extend the Time to File Its Answering Brief,"
received on October 14, 2005, the papers in support, and the
records and files herein, it appears that Appellant did not serve
a copy of the opening brief as required by HRAP Rule 25(b).
Therefore,

IT IS HEREBY ORDERED that the motion to dismiss the
appeal is denied.

IT IS FURTHER ORDERED that the motion for an extension of time is granted, and the State shall file its answering brief within 30 days of this order or no later than November 14, 2005. No reply brief shall be filed.

DATED: Honolulu, Hawai'i, October 14, 2005.

On the motions:

Lisa M. Itomura,
Deputy Attorney General,
for respondent-appellee.

James A. Burns
Chief Judge

