

NO. 28104

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

EUGENE JAMES HUTCH, Petitioner-Appellant,  
v.  
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(S.P. NO. 94-0122)

ORDER DISMISSING APPEAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of the record, it appears: (1) in a letter dated December 1, 2006, the appellate clerk informed Petitioner-Appellant Eugene James Hutch that the time for filing the statement of jurisdiction expired on October 23, 2006 and the time for filing the opening brief expired on November 22, 2006, and pursuant to Rule 30 of the Hawai'i Rules of Appellate Procedure, the matter would be called to the attention of the court for such action as the court deems proper and the appeal may be dismissed; (2) Petitioner-Appellant did not respond to the letter; (3) Petitioner-Appellant failed to file the statement of jurisdiction and the opening brief or otherwise oppose dismissal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.

DATED: Honolulu, Hawai'i, March 12, 2007.

*James A. Burns*  
Chief Judge

*[Signature]*  
Associate Judge

*Daniel R. Foley*  
Associate Judge

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

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FILED