

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-19-0000109

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
RANELL BANKS, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
PUNA DIVISION
(CASE NO. 3DTC-18-016323)

ORDER DISMISSING APPEAL

(By: Reifurth, Presiding Judge, Chan and Hiraoka, JJ.)

Upon review of the record, it appears that:

(1) On February 25, 2019, Defendant-Appellant Ranell Banks (Banks), pro se, filed a notice of appeal and statement of jurisdiction;

(2) On April 17, 2019, the district court clerk filed the record on appeal;

(3) On April 18, 2019, the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before April 29, 2019, and May 28, 2019, respectively, despite Banks having filed the statement of jurisdiction with the notice of appeal;

(4) Banks did not file the opening brief or request an extension of time;

(5) On May 31, 2019, the appellate clerk notified Banks that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the

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court's attention on June 10, 2019, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Banks may request relief from default by motion; and

(6) The appellate clerk mailed the April 18, 2019 notice of entering case on calendar and the May 31, 2019 default notice to Banks at the addresses indicated in the notice of appeal and record on appeal. The United States Postal Service returned the notices as undeliverable. Banks has not filed a notice of change of address, as required by HRAP Rule 25(f). The default notice erroneously stated Banks failed to file the statement of jurisdiction but Banks took no further action in this appeal with respect to the opening brief.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for failure to file the opening brief, under HRAP Rule 30.

DATED: Honolulu, Hawai'i, June 14, 2019.


Presiding Judge


Associate Judge


Associate Judge