

*** NOT FOR PUBLICATION ***

NO. 26596

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SEAN K. CARVALHO, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 04-1-0007)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that this court informed Appellant by letter dated August 13, 2004, that the time for filing the statement of jurisdiction expired on August 4, 2004 and by letter dated September 17, 2004 that the time for filing the opening brief expired on September 4, 2004 and that, 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 deemed proper including dismissal of the appeal. Appellant having failed to respond to said letters or to otherwise oppose dismissal,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i,