

*** NOT FOR PUBLICATION ***

NO. 26928

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LAEL SAMONTE, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I
2005 JUN -7 PM 12:01

FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NOS. 03-1-0050; 04-1-0014; 04-1-0015; 04-1-0031;
04-1-0036; 04-1-0051; and 04-1-0065)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ.
and Intermediate Court of Appeals Chief Judge Burns,
in place of Levinson, J., recused)

On March 31, 2005, this court ordered Appellant 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 7, 2005.

Luis A. Acoba

James E. Duffy, Jr.

James S. Burns