

*** NOT FOR PUBLICATION ***

NO. 27094

IN THE SUPREME COURT OF THE STATE OF HAWAII

LAEL E. SAMONTE, Petitioner-Appellant,

vs.

STATE OF HAWAI'I, Respondent-Appellee.

FILED
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STATE OF HAWAII

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FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 04-1-0088 (CR. NO. 89-0003))

ORDER DISMISSING APPEAL

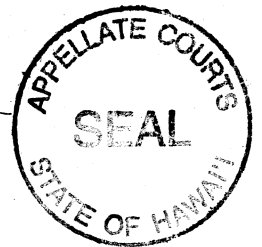
(By: Nakayama, J., for the court¹)

On August 2, 2005, this court ordered Appellant Lael E. Samonte, pro se, to either file the opening brief in the above entitled matter or an appropriate dismissal of the appeal within 45 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, December 8, 2005.

FOR THE COURT:

Daniel C. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.