

NO. 27328

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHRIS GRINDLING, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE SECOND CIRCUIT COURT
(S.P.P. NO. 05-1-0011)

ORDER
(By: Duffy, J.)

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 DEC 23 PM 12:27

FILED

Upon consideration of Respondent-Appellee State of Hawaii's motion to dismiss Petitioner-Appellant's appeal based upon Petitioner-Appellant's failure to serve the opening brief, or in the alternative, for an extension of time to file the answering brief, it appears this appeal was dismissed for lack of jurisdiction on December 21, 2005, and the instant motion is moot. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss or in the alternative, for an extension of time to file the answering brief is dismissed as moot.

DATED: Honolulu, Hawai'i, December 23, 2005.

Lisa M. Itomura,
Deputy Attorney General,
for respondent-appellee
on the motion

Norma E. Duffy, J.
Associate Justice

