

NO. CAAP-20-0000695

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
CHRISTOPHER YOUNG, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH HILO DIVISION
(CASE NO. 3DTI-19-012486)

ORDER DISMISSING APPEAL

(By: Hiraoka, Presiding Judge, Wadsworth and Nakasone, JJ.)

Upon consideration of the document, electronically filed January 26, 2021, by self-represented Defendant-Appellant Christopher Young (Young), entitled "Objection to the Fraud Based Default" (Objection), it appears that:

(1) On November 25, 2020, the district court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before December 7, 2020, and January 4, 2021, respectively;

(2) Young failed to file either document or timely request an extension;

(3) On January 13, 2021, the appellate clerk notified Young that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on January 25, 2021, 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 Young could request relief from default by motion;

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

(4) In the January 26, 2021 Objection, Young asserts that under HRAP Rule 21, Young is not required to file a separate jurisdictional statement and opening brief beyond the "statement of facts" in his "petition" filed "Nov-2020.";

(5) Young appears to mistakenly consider his notice of appeal filed November 5, 2020, to be a petition for writ relief in the supreme court, under HRAP Rule 21. The "statement of facts" in the November 5, 2020 notice of appeal does not constitute a jurisdictional statement under HRAP Rule 12.1 or an opening brief under HRAP Rule 28; and

(6) Young does not indicate in his Objection that he intends to file a jurisdictional statement or opening brief.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, April 12, 2021.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge