

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Horcajo III v. State

Horcajo III · No. CAAP-25-0000259 · Decided December 22, 2025

SUMMARY

The Hawai‘i Intermediate Court of Appeals dismissed Ernest Horcajo III's appeal because he failed to file the required statement of jurisdiction and opening brief by the extended deadline. The court acted under Hawai‘i Rules of Appellate Procedure Rules 12.1(e) and 30 after Horcajo failed to take further action following a default notice.

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 22-DEC-2025 08:02
AM Dkt. 22 ODS NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF
APPEALS OF THE STATE OF HAWAI‘I ERNEST HORCAJO III, Petitioner-Appellant, v.
STATE OF HAWAI‘I, Respondent-Appellee. APPEAL FROM THE CIRCUIT COURT OF THE
THIRD CIRCUIT (CASE NO. 3CPN-XX-XXXXXXX) ORDER DISMISSING APPEAL (By:
Hiraoka, Presiding Judge, McCullen and Guidry, JJ.)

Upon review of the record, it appears that: (1) Self-represented Petitioner-Appellant Ernest Horcajo III (Horcajo) filed the notice of appeal in this case on March 27, 2025. The record on appeal was filed on May 22, 2025.

The JS and OB were due, without extension, on June 2, 2025 and July 1, 2025, respectively. Hawai‘i Rules of Appellate Procedure (HRAP) Rules 12.1(a), 28(b). (2) On April 17, 2025, Horcajo filed a motion for extension of time requesting he be given more time to file motions or briefs.

On August 7, 2025, this court granted the motion in part and extended the time to file both the statement of jurisdiction and opening brief to September 8, 2025. (3) On September 15, 2025, the appellate clerk entered a default notice, stating the time for filing both the statement of jurisdiction and opening brief had expired on September 8, 2025; the matter would be called to the court's attention on September 25, 2025 for action that could include dismissal, NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER pursuant to HRAP Rules 12.1(e) and 30; and that Horcajo could seek relief from default by motion.

(4) Horcajo has failed to file the statement of jurisdiction and the opening brief, and has not taken any further action in this appeal. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed. DATED: Honolulu, Hawaii, December 22, 2025. /s/ Keith K. Hiraoka Presiding Judge /s/ Sonja M.P. McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 2

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