

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

State of Hawai‘i v. Moses A. Libero

State v. Libero · No. CAAP-25-0000457 · Decided December 19, 2025

SUMMARY

The Hawai‘i Intermediate Court of Appeals dismissed Moses A. Libero's appeal after he failed to file the statement of jurisdiction and opening brief by the applicable deadlines. The court noted that Libero did not request an extension, respond to the default notice, or take further action, and dismissed the appeal under Hawai‘i Rules of Appellate Procedure Rules 12.1(e) and 30.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Keith K. Hiraoka; Sonja M. P. McCullen; Kimberly T. Guidry
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	December 19, 2025
DOCKET	CAAP-25-0000457
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant appealed from the Circuit Court of the Third Circuit. The Intermediate Court of Appeals dismissed the appeal after Defendant failed to file the statement of jurisdiction and opening brief and took no further action after receiving a default notice.
PRECEDENTIAL VALUE	Unpublished; not for publication in the Hawai‘i Reports and Pacific Reporter
PARTIES	Moses A. Libero v. State of Hawai‘i

TOPICS

- appellate procedure
- criminal procedure
- preservation of error

PRACTICE AREAS

- criminal appellate procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because the appellant failed to file the statement of jurisdiction and opening brief by the deadlines and did not seek relief from default.

HOLDINGS

1. The appeal is dismissed because Libero failed to file the statement of jurisdiction and opening brief, did not request an extension, and took no further action after receiving a default notice.

FACTUAL BACKGROUND

This was an appeal in which self-represented Defendant-Appellant Moses Angelo Libero failed to file the required statement of jurisdiction and opening brief by the applicable deadlines. He also did not seek an extension of time. After receiving notice of default and the possibility of dismissal, he took no further action.

PROCEDURAL HISTORY

The statement of jurisdiction was due August 11, 2025, and the opening brief was due September 10, 2025. Libero filed neither document and did not request an extension. After the appellate clerk issued a default notice on September 16, 2025, informing him that dismissal could follow and that he could seek relief from default, Libero took no further action. The court dismissed the appeal.

DISPOSITION

dismissed

OPINION

State v. Libero

PER CURIAM.

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Electronically Filed Intermediate Court of Appeals

CAAP-XX-XXXXXXX

19-DEC-2025

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NO. CAAP-XX-XXXXXXX

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v. MOSES A. LIBERO, Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT

(CASE NO. 3CPC-XX-XXXXXXX)

ORDER DISMISSING APPEAL

(By: Hiraoka, Presiding Judge, McCullen and Guidry, JJ.) Upon review of the record, it appears that:

(1) The statement of jurisdiction and opening brief

were due on August 11, 2025 and September 10, 2025, respectively;

(2) Self-represented Defendant-Appellant Moses Angelo

Libero (Libero) failed to file either document, or request an extension of time;

(3) On September 16, 2025 the appellate clerk entered a

default notice informing Libero 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 September 26, 2025 for appropriate action, which could include dismissal of the appeal under Hawai'i Rules of Appellate Procedure Rules 12.1(e) and 30; and Libero could request relief from default by motion; and

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(4) Libero has not taken any further action in this

appeal. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed. DATED: Honolulu, Hawai'i, December 19, 2025. /s/ Keith K. Hiraoka Presiding Judge /s/ Sonja M.P. McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 2