

NO. CAAP-11-0000565

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII - CRIMINAL THIRD CIRCUIT PROSECUTOR,  
Plaintiff-Appellee

v.

RICHARD L. KELA, SR., Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(CASE NO. 3DTC-10-03229)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)  
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon review of the record, it appears that:

(1) on July 22, 2011, Defendant-Appellant Richard L. Kela, Sr. (Appellant) filed a notice of appeal, but he did not pay the filing fee; (2) on October 10, 2011, the appellate clerk informed Appellant that the filing fee was not paid and that the record cannot be prepared and filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to Hawaii Rules of Appellate Procedure (HRAP) Rule 24; (3) the

appellate clerk further informed Appellant that the matter would be called to the attention of the court on October 20, 2011 for such action as the court deemed proper pursuant to HRAP Rule 11(c)(2), including dismissal of the appeal; and (4) thereafter, Appellant did not pay the filing fee or submit a motion to proceed in forma pauperis. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawaii, November 9, 2011.

Chief Judge

Associate Judge

Associate Judge