

NO. 30248

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

STATE OF HAWAI'I, Plaintiff-Appellee,

v.

ROBERT LEE PERRY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DTC-08-003195)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Fujise, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of the record, it appears that: (1) on December 3, 2009, Defendant-Appellant Robert Lee Perry, Jr. (Appellant) filed a notice of appeal, but he did not pay the filing fee; (2) on March 4, 2010, the appellate clerk informed Appellant at his last known address that the record could not be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis; (3) that letter was returned to the appellate clerk's office as undeliverable; (4) on June 17, 2010, the appellate clerk again wrote to Appellant at his last known address that the record could not be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis; (5) the appellate clerk further informed Appellant that the matter would be called to the attention of the court on June 24, 2010 for such action as the court deemed proper pursuant to Hawai'i Rules of Appellate Procedure Rule 11(c)(2), including dismissal of the appeal; (6) the appellate clerk's second letter was delivered and was not

returned; and (7) 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, Hawai'i, September 28, 2010.

Presiding Judge

Associate Judge

Associate Judge