

NO. CAAP-11-0000016

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.  
MICHAEL C. TIERNEY, also known as,  
Michael C. King, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CRIMINAL NOS. 88-2209 & 89-0024)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Reifurth and Ginoza, JJ.)

Defendant-Appellant Michael C. Tierney, also known as Michael C. King ("Tierney"), appeals from the December 28, 2010 order that denied his "Motion To Set Aside Bond Forfeiture" filed on February 3, 2010, "Motion For Hearing For Motion To Set Aside Bond Forfeiture Of \$10,100.00" filed on December 22, 2010, and "Motion For Hearing Dated October 31, 2010" filed on December 23, 2010 (collectively, "Motions"), without a hearing, filed in the Circuit Court of the First Circuit ("Circuit Court").<sup>1</sup> The Motions reiterated Tierney's earlier request for the return of \$10,100.00 cash bail, and, in addition, requested a hearing under Hawaii Revised Statutes § 804-51 to set aside the denial of the earlier request.

Tierney contends that the Circuit Court erred in not returning to him \$10,100.00 in bail money posted by a third party in criminal case numbers 88-2209 and 89-0024 pursuant to Hawaii Revised Statutes § 804-51 (1985), and in not conducting a hearing before denying the Motions.

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<sup>1</sup> The Honorable Richard K. Perkins presided.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as well as the relevant statutory and case law, we conclude that the Motions were correctly denied.

Therefore,

IT IS HEREBY ORDERED that the December 28, 2010 Order Denying Defendant's "Motion To Set Aside Bond Forfeiture" Filed February 3, 2010, "Motion For Hearing For Motion To Set Aside Bond Forfeiture Of \$10,100.00" Filed December 22, 2010, And "Motion For Hearing" Filed December 23, 2010, Without A Hearing, filed in the Circuit Court of the First Circuit, is affirmed.

DATED: Honolulu, Hawai'i, August 30, 2011.

On the briefs:

Michael C. Tierney,  
Pro Se Defendant-Appellant.

Presiding Judge

Delanie E. Prescott-Tate,  
Deputy Prosecuting Attorney,  
City & County of Honolulu,  
for Plaintiff-Appellee.

Associate Judge

Associate Judge