

NO. 30459

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
ALFRED NAPAHELUA SPINNEY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTC-09-034478)

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 April 15, 2010, Defendant-Appellant Alfred Spinney (Appellant) filed a notice of appeal, but he did not pay the filing fee; (2) on July 28, 2010, the appellate clerk informed Appellant that the filing fee was not paid and that the record could not be filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to Hawai'i 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 August 4, 2010 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, Hawai'i, September 28, 2010.

Presiding Judge

Associate Judge

Associate Judge